

**US ARMY CORPS  
of ENGINEERS  
WILMINGTON DISTRICT**

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**FINDING of NO SIGNIFICANT IMPACT**

**CONSTRUCTION, OPERATION, AND MAINTENANCE  
OF THE PHILPOTT LAKE TRAIL NETWORK**

**PHILPOTT LAKE, VIRGINIA**

**DECEMBER 2009**

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**Finding of No Significant Impact  
Construction, Operation, and Maintenance  
of the Philpott Lake Trail Network  
Philpott Lake, Virginia  
December 2009**

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## **1.0 INTRODUCTION**

The National Environmental Policy Act of 1969, as amended (NEPA), requires consideration of the environmental impacts for major federal actions. The proposed action and the environmental impacts of the proposed action were addressed in the Environmental Assessment Construction, Operation, and Maintenance of the Philpott Lake Trail Network Philpott Lake, Virginia, dated March 2009.

As a result of coordination of the EA with various regulatory agencies and the public, comment letters were received. These comments are provided with this Finding of No Significant Impact (FONSI). The purpose of this FONSI is to ensure the environmental consequences of the proposed plan are considered and that environmental and project information are available to the public.

This FONSI has been prepared pursuant to NEPA in accordance with the Council on Environmental Quality (CEQ) regulations as contained in 40 CFR Parts 1500 to 1508, which directs federal agencies on how to implement the provisions of NEPA.

## **2.0 PROPOSED ACTION – PHILPOTT LAKE TRAIL NETWORK**

The purpose of the proposed trail system is to help fulfill the US Army Corps of Engineers' mission to provide public recreation facilities; Engineer Regulation (ER) 1130-5-550 states: "The Army Corps of Engineers is the steward of the lands and waters at Corps water resources projects. Its Natural Resources Management Mission is to manage and conserve those natural resources, consistent with ecosystem management principles, while providing quality public outdoor recreation experiences to serve the needs of present and future generations." Additionally, the Philpott Lake Trail Networks purposes should improve access and increase opportunities for natural resource-based recreation, increase safety, reduce unauthorized activities, provide an alternative to use of unmaintained access routes, ensure ease of maintenance, help to quantify dispersed use visitation, receive visitor comments, and avoid resource damage.

The Philpott Trail Network consists of construction of multiple loops having a total length of approximately 20 miles of trail. The trail network would extend along the east side of the Lake linking Philpott Park, Salhouse Branch Park, Twin Ridge Park, Horseshoe Point Park, Jamison Mill Park and Ryans Branch Park. Loop and spur trails primarily in the section between Jamison Mill Park and Ryans Branch would increase available distance for bikers and hikers. Trails would be located entirely on Government-owned property. Improvement and relocation of some existing trail segments within the developed areas of Jamison Mill Park has been ongoing during 2008.

Trails would be open year round, but may be closed due to weather, for maintenance, and during special events. Trail brochures, bulletin boards, and signage would provide information on trail use and regulations. Trail construction and ongoing maintenance would be accomplished by the Corps in cooperation with partners including volunteers, trail user groups, surrounding

Counties, and the Friends of Philpott Lake. Any necessary preparation for or restoration of trails following special events would be the responsibility of the event sponsor

Sustainable techniques appropriate to the terrain and soil conditions would be used to construct trails. A walk-behind mini-skid steer (trail machine) would be used for tread smoothing and shaping in most areas. A small bulldozer and/or the trail machine would be used for slope bench cuts. Hand tools would be used in areas where mechanized equipment is not appropriate. Hiking and biking trails would be maintained to a maximum width of 4 feet. The Dogwood Glen Trail would continue to be maintained to a width of 6 to 8 feet to accommodate equestrian use. All trails would be natural surface. Portions of the trail would utilize existing roads and paths as appropriate. Trail routes would follow contours as much as possible and an average slope of less than 10 percent would be maintained.

The proposed action is needed to satisfy increasing demand for mixed use trails and access to public lands. The approximately 20 miles of shared use trail would provide the public with hiking and biking opportunities on a larger scale than is currently available in Henry, Patrick, or Franklin Counties. The trail system would also be a recreation destination for the entire Philpott Lake market area.

Construction of new trail segments connecting developed areas along with improvements to existing trails will continue as funding and volunteers are available. The entire trail network, including connecting trails and loops, may be completed in 2010, contingent on available funding and support of volunteers.

### **3.0 ALTERNATIVES CONSIDERED**

The alternatives investigated in the EA were:

- Philpott Trail Network
- Philpott Inter-Site Hiking Trail
- No Action

Alternatives that could not be implemented if they were chosen, or that do not resolve the need for action and fulfill the stated purpose in taking action to a large degree, should be eliminated as unreasonable before impact analysis begins. Alternatives eliminated included:

- Philpott Inter-Site Hiking Trail

### **4.0 PUBLIC AND AGENCY COORDINATION**

On February 27, 2009, the Environmental Assessment, Construction, Operation, and Maintenance of the Philpott Lake Trail Network, Philpott Lake, Virginia was mailed to federal and state agencies and the interested public for a 30-day review and comment period. Comments on the EA (Appendix B) were received from the following:

**Federal Agencies**

- US Department of Agriculture, Natural Resources Conservation Service
- Department of Health and Human Services
- US Fish and Wildlife Service

**State Agencies**

- Department of Environmental Quality (Note: This agency is responsible for coordinating Virginia's review of Federal environmental documents and responding to appropriate Federal officials on behalf of Virginia)
- Virginia Department of Environmental Quality, Blue Ridge Regional Office
- Virginia Marine Resources Commission
- Virginia Department of Environmental Quality, Air Division
- Virginia Department of Environmental Quality, Waste Division
- Department of Conservation and Recreation, Division of Planning and Recreational Resources
- Department of Conservation and Recreation, Division of Natural Heritage
- Department of Game and Inland Fisheries
- Virginia Department of Health Office of Drinking Water
- Virginia Department of Historic Resources
- Virginia Department of Forestry

**Local Communities**

- West Piedmont Planning District Commission
- Henry County

**Elected Officials**

- No Comments Received

**Conservation Groups**

- No Comments Received

**Interested Businesses, Groups, and Individuals**

- James Wright
- Zelphia (Pete) R. Aheron
- Chris and Kathy Fields
- Cindy Smith on Behalf of Forrest Bray
- Edwin France
- Tycho and Marie Wood

None of the comments received identified any reasonable alternatives or major substantive issues that are not already addressed in the EA. Nor did comments require substantive changes to the project or change the impact determinations in the EA.

## **5.0 IMPACTS OF THE PROPOSED ACTION**

The proposed trail network is expected to improve access and increase opportunities for natural resource-based recreation, increase safety, reduce unauthorized activities, provide an alternative to use of unmaintained access routes, ensure ease of maintenance, help quantify dispersed use visitation, and avoid resource damage.

The No Action alternative does not meet the minimum requirement of addressing trail needs identified in the approved 1982 Philpott Lake Master Plan Update. It also fails to address the continually increasing demand for shared use trails. Failure to meet the identified demand would lead to crowding and strain on existing facilities, proliferation of unauthorized activities outside of designated trails; use of unauthorized unmapped, unmarked, and unmanaged routes; decreased public safety; continued and increased sedimentation and erosion problems; adverse impacts to the resource base; decreased level of service; and decreased level of visitor experience.

Table 1 summarizes the potential impacts to resources due to the proposed action (Philpott Lake Trail Network) and the no action (the current base) plan.

**Table 1: Impacts to Resources**

<b>Resource</b>	<b>Alternatives</b>	
	<b>Option 1- Preferred Philpott Trail Network</b>	<b>No Action</b>
	<b>Shared Use Trail</b>	
<b>Recreation</b>	Meets demand, encourages regional trail connectivity.	Does not meet demand. Perpetuates unauthorized use of public and private lands.
<b>Socioeconomic</b>	Increases visitation, tourism, & associated economic benefit to area	No increase in visitation or the associated economic benefit.
<b>Soils</b>	Erosion minimized by use of sustainable trail construction and maintenance techniques.	Perpetuates and increases erosion
<b>Surface Hydrology</b>	No impacts	Perpetuates and increases erosion and impacts at stream crossings
<b>Water Quality</b>	Reduces erosion and no impacts at stream crossings	Perpetuates and increases erosion and impacts at stream crossings
<b>Cultural Resources</b>	Trail area surveyed. No impacts expected.	Areas not surveyed. Potential for destruction due to unauthorized use and illegal excavation.
<b>Vegetation</b>	Construction and maintenance would require removal of vegetation – max width of about 4 feet. Vegetation removal impacts minimized by routing choices.	Loss of unknown amount of vegetation.
<b>Fish and Wildlife</b>	Temporary disturbance to wildlife during construction, maintenance, and special events.	Minor impacts to fish and wildlife from erosion, habitat loss, disturbance, and loss of vegetation due to unauthorized activities and unmaintained accesses.
<b>Endangered and Threatened Species</b>	No impacts	Potential impact to Roanoke Logperch due to unauthorized trail use in the vicinity of the Smith River upstream of normal pool and below the Dam.
<b>Wetlands</b>	Reduced erosion, no impacts at stream crossings	Perpetuated erosion and disturbance, including stream crossings, due to unauthorized activities and unmaintained accesses.

The following paragraphs provide an explanation of why the selected action will have no significant adverse effects on the quality of the human environment.

**Recreation** - The planned approximately 20 miles of shared use trails would provide trail users with an opportunity on a larger scale than currently available in the counties surrounding the Lake. New trails would shift recreation users from unofficial access routes to official sustainable, well maintained trails. Placing mapped, signed, marked, monitored, and maintained trails in areas where none currently exist would improve the visitor experience and public safety. Trails in otherwise undeveloped areas provide points of reference and ease of access for the recreating public, Corps personnel, enforcement officers, and emergency responders.

**Socioeconomic** - As the local population continues to increase, visitation to Philpott Lake is expected to increase. Increases in visitation and tourism would have a positive impact on associated local and regional businesses. The trail network would also provide opportunities for recreation in support of a healthy lifestyle.

**Soils** - Adverse impacts to soils would be avoided by utilization of sustainable trail construction and maintenance techniques, monitoring of trail conditions, and closure and rerouting as necessary. All construction, operation, and maintenance would be done in accordance with the Virginia Sediment and Erosion Control Handbook. Effects of hiking and/or biking on soils would be negligible in most areas, causing little or no physical disturbance, minimal compaction, and little unnatural erosion. Impacts of horses would be minimized by limiting equestrian use to areas where terrain and soils are adequate to support use. Minor impacts such as compaction necessary for construction and maintenance of benches and some unnatural erosion of soils during large rain events may occur in areas with steeper slopes.

**Surface Hydrology** - Impacts to surface hydrology would be avoided through use of bridges for stream crossings and bridges and other sustainable crossing methods in dry gullies as appropriate. The trail network would have 13 total stream crossings; including Beards Creek, Nicholas Creek, Osley Branch, Cooper Creek, Roland Branch, and Salthouse Branch. Stream crossings would span high ground to high ground and all applicable sedimentation and erosion control requirements would be met during construction, operation and maintenance of the trail.

**Water Quality** - Erosion that could potentially impact water quality would be minimized through use of sustainable trail construction methods including bridges for streams and gullies. No work would occur in streams or gullies as all crossings would span from high ground to high ground. All construction, operation, and maintenance would be done in accordance with the Virginia Sediment and Erosion Control Handbook.

**Cultural Resources** - All activities would be coordinated with Wilmington District Archeologist prior to initiation of ground disturbing activities. Field inspection of the trail route would be completed in areas that have not been surveyed. Additional Phase I or II surveys would be conducted as necessary. Trail routes would be modified as necessary to avoid cultural resource sites. If any cultural or archeological sites are discovered during trail construction, operation, or maintenance, activities would be immediately suspended pending investigation of the site.

The Corps will coordinate activities with the Virginia Department of Historic Resources to ensure compliance with Section 106 of the National Historic and Preservation Act.

**Vegetation** - Trails would impact individual plants and trees but would not result in any significant change to a population, community, or species of vegetation. Removal of larger canopy trees would be avoided. Tree trimming, removal, and root damage would be minimized by trail routing choices. Use of existing paths, roads, and rights of way, as appropriate, would also minimize the need for destruction of vegetation. Providing trails would minimize vegetation damage in areas currently accessed by unauthorized paths.

Spread of invasive species would be avoided and minimized by not routing trails through areas containing invasive species, cleaning of trail maintenance tools and equipment, closure during wet conditions as appropriate, eradication and control of invasive species, management of horse waste by horse owners, and education of visitors and staff.

**Fish and Wildlife** - No negative impacts to the aquatic community are expected to occur from the proposed trail alternative. As previously stated, all stream crossings would span from high ground to high ground, thus avoiding impacts to streams. During construction of the trail increased noise may disturb wildlife in the local area. Construction-related noise would be temporary and negligible. Existing sound conditions would resume following construction activities.

**Endangered and Threatened Species** – Based on field survey of the proposed routes and review of the Philpott Lake Natural Heritage Inventory 2001, no occurrences of listed species or their habitat occur along the trail route. The trail would not affect known endangered or threatened species or communities. Coordination with the US Fish and Wildlife Service (USFWS) indicates that there are no known occurrences of Federally listed species in the vicinity of the proposed trail.

The Roanoke Logperch (*Percina rex*) is the only federally listed endangered species known to occur within the boundaries of Government property at Philpott Lake. There would be no affect on the Roanoke Logperch due to the trail network.

A state listed rare plant community does occur along a segment of the proposed trail. The trail route in this area would be routed and constructed in a manner that avoids and minimizes impacts and would be closely coordinated with the Virginia Natural Heritage Program.

**Wetlands** – There would be no alteration or filling of wetlands or waters of the United States. Any wet areas or seeps encountered would be avoided. Streams would be bridged from high ground to high ground.

**Geology** - Construction of the trail network would not require removal or alteration of any unique geological features. Trail routes would be reviewed prior to construction to ensure that geologically sensitive features are not impacted and that appropriate sustainable trail construction techniques are utilized. Trail construction would involve minimal grading and

disturbance to soils. No blasting of rock would be necessary. Trail routes would follow contours and avoid steep slopes to minimize depth of necessary cuts.

**Topography** – The trail network would not alter the overall topography of any area. Minor grading of benches and switchbacks along the contour, parallel to slopes, would be necessary. Grade reversals and other appropriate techniques would be utilized to prevent erosion as necessary.

**Floodplains** – Segments would be located above 1000 feet mean sea level with the exception of some gullies and approaches to some stream bridges. Impacts to the flood plain/flood pool as the result of sedimentation and erosion of material would be avoided through use of sustainable trail construction techniques, trail monitoring and periodic maintenance.

**Air Quality** – Grading in some areas would require use of a motorized trail building machine and/or a small bulldozer. Equipment use would result in the temporary introduction of dust and exhaust into the air during trail construction and maintenance, however these changes in air quality would be minimal, localized and of short duration. Hiking and/or biking would introduce a negligible amount of dust in to the air, resulting in no change to the overall air quality. All Virginia State Guidelines pertaining to dust would be followed.

**Noise** - The use of motorized equipment would result in loud noises during trail construction, temporarily affecting the natural soundscape in the surrounding area. Although changes to natural sound would be noticeable during construction activity, the impact would be minimal and of short duration. Trail activities will not result in significant or sustained amounts of noise.

**Hazardous Waste Sites** – There is no evidence of hazardous, toxic, or radioactive waste (HTRW), therefore, it is not expected that any hazardous and toxic waste sites would be encountered during construction, operation or maintenance of the proposed trail. The proposed action would not result in the production of hazardous waste.

**Aesthetics** – The proposed trail network would not result in permanent adverse impacts to aesthetics or any view shed. Trail construction would not result in noticeable gaps in the tree canopy. Use of sustainable trail construction techniques would minimize temporary aesthetic impacts associated with construction.

**Land Use** – There will be no significant change to local or regional land use. Creation of a network of shared use trails would be a regional destination for users and may result in increased demand for regional trail connections to Philpott Lake.

**Vehicular Traffic** – Vehicular traffic would be anticipated to increase with any increases in visitation resulting from additional trail opportunities. Increases would be greater during special events. The increase in traffic would not be anticipated to exceed capacity of existing roads or parking areas.

**Water Supply and Conservation** –Impacts to the water supply pool and water quality would be avoided through use of sustainable trail construction methods and periodic trail maintenance, which would reduce or eliminate sedimentation and erosion.

**Energy Needs** – The trail network would not impact hydropower production. Promotion of hiking and biking would encourage non- motorized recreation. The trail would provide visitors an alternative to driving between recreation areas. When connected to local/regional trail networks, the trail would provide an alternative to visitors driving to or accessing the local community while visiting the Lake.

**Safety** – Trails operated and maintained in a safe and serviceable condition provide safer access than unmaintained and unauthorized paths. Mapping, signing, and marking trails improves public safety by providing a location reference for the public, Corps personnel, and emergency service personnel. Proactive visitor education and enforcement of applicable laws and regulations would address safety concerns relative to trail user conflicts

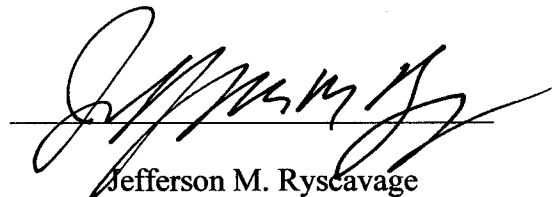
**Consideration of Property Ownership** – The proposed trail would be constructed entirely on Government owned property. The primary trail route would cross 18 approved dock access paths. These permitted paths are used by shoreline permit holders to cross Government property in order to access their authorized private floating docks located on Government property. These paths are on public land so the public is not excluded from these paths. The public is not permitted to trespass on private property or the authorized private docks.

**Cumulative Impacts** - Addition of the shared use trail would result in increased and improved access to public lands leading to increased visitor enjoyment of park resources and recreation opportunities. Use of the trails would provide long term health benefits to regular users. Increases in visitation would have a long term positive impact on the local economy. Development of local and regional trails connecting to Philpott Lake may be encouraged by trail development at Philpott Lake. Continued coordination among local and regional entities to develop trail and greenway interconnections would conserve public resources by avoiding duplication of efforts and avoid adverse cumulative impacts to environment caused by entities developing redundant trail facilities. The effects of the Philpott Lake Trail Network, when added to other past, present, and reasonably foreseeable future actions should not result in any significant adverse cumulative effects.

## 6.0 FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the Environmental Assessment, Construction, Operation, and Maintenance of the Philpott Lake Trail Network, Philpott Lake, Virginia, the information provided by interested parties, and the information contained in this Finding of No Significant Impact, and I find that the proposed trail network will not significantly affect the quality of the human environment. Therefore, preparation of an Environmental Impact Statement pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, is not required.

Date: 14 DEC 09



Jefferson M. Ryscavage  
Colonel, U.S. Army  
District Commander

## **APPENDIX A**

### **Comments Received on Construction, Operation, and Maintenance of the Philpott Lake Trail Network Philpott Lake, VA April 2009**

**A.1 Virginia Department of Environmental Quality, Blue Ridge Regional Office  
Dated April 27, 2009**

**Blue Ridge Regional Office**

**Comment:** According to the DEQ Blue Ridge Regional Office (BRRO), the EA states that "horse trailer parking for the Dogwood Glen Trail is located down stream of the Dam on the north bank of the river" and "horse waste is the responsibility of the horse owner."

The DEQ BRRO recommends that due to the potential for impairment due to bacteria given the proximity of the horse trailers to the river, consideration should be given to providing educational materials or instructions to the users of the horse trail and some mechanism to reduce horse waste from entering the river.

**Response:** Educational signage will be posted at bulletin boards located on trailheads advising people about the dangers of pet waste including horses and dogs. Visitors will be encouraged to properly remove and dispose of waste. A natural vegetated buffer would provide an additional mechanism to reduce horse waste from entering the river.

**Virginia Marine Resources Commission**

**Comment 2:** Pursuant to § 28.2-1200 *et seq.* of the *Code of Virginia*, Virginia Marine Resources Commission (VMRC) has jurisdiction over any encroachments in, on, or over any state-owned bays, rivers, streams or creeks in the Commonwealth. According to the VMRC, if any portion of the proposed project involves encroachments channelward of ordinary high water along natural rivers and streams above the fall line or mean low water below the fall line, a permit may be required from the VMRC prior to the commencement of construction. A preliminary review of the site shows that there would be no impacts to streams with drainage areas greater than 5 square miles. Any jurisdictional impacts will be reviewed by VMRC during the JPA process.

**Response:** A finding of no permit required from DEQ & VMRC was obtained for this project. VMRC indicated this project is not within their jurisdiction so no permit required. DEQ stated that since there will be no discharge of fill or dredge material during the course of this project, no VWP permit required.

**Department of Conservation and Recreation Regional Office, Division of Soil and Water Conservation**

**Comment 3:** Accordingly, the Corps or its authorized agent must prepare and implement an erosion and sediment control plan to ensure compliance with state law and regulations. The plan is submitted to the Department of Conservation and Recreation (DCR) Regional Office that serves the area where the project is located for review for compliance. The applicant is ultimately responsible for achieving project compliance through oversight of on-site contractors, regular field inspection, prompt action against non-compliant sites and other mechanisms consistent with agency policy (Reference: VESCL §10.1-567).

**Response:** An erosion and sediment control plan will be prepared and submitted for review to the regional office of the Department of Conservation and Recreation (DCR). Throughout the construction period, the Corps will be responsible for ensuring the project stays in compliance with the Virginia Erosion and Sediment Control Law and Regulations and the Virginia Stormwater Management Law and Regulations, including coverage under the General Permit for Stormwater Discharge from Construction Activities and other applicable federal nonpoint source pollution mandates.

**Comment 4:** The operator or owner of construction work involving land-disturbing activities equal to or greater than one acre are required to register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project-specific stormwater pollution prevention plan (SWPPP).

~ Construction activities requiring registration also includes the land-disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan of development will ultimately disturb equal to or greater than one acre.

~ The SWPPP must be prepared prior to submission of the registration statement for coverage under the General Permit and the SWPPP must address water quality and quantity in accordance with the Virginia Stormwater Management Program (VSMP) Permit Regulations.

**Response:** The Corps will register for coverage under the General Permit for Discharge of Stormwater from Construction Activities and develop a project-specific stormwater pollution prevention plan (SWPPP). The SWPPP will be prepared and submitted prior to the submission of the registration statement for coverage under the General Permit and the SWPPP will address water quality and quantity in accordance with the Virginia Stormwater Management Program Permit Regulations.

### **Virginia Department of Environmental Quality, Air Division**

**Comment 5:** According to the Virginia Department of Environmental Quality, Air Division, the project site is located in an ozone attainment area.

**Response:** Noted.

**Comment 6:** If the project includes the burning of vegetative debris and construction or demolition material, this activity must meet the requirements under 9 VAC 5-40-5600 et seq. of the regulations for open burning, and it may require a permit. The regulations provide for, but do not require, the local adoption of a model ordinance concerning open burning. The Corps should contact officials with the appropriate localities to determine what local requirements, if any, exist.

**Response:** There will be no open burning of vegetative debris and construction or demolition material during the construction of the Philpott Lake Trail Network.

**Comment 7:** During construction, fugitive dust must be kept to a minimum by using control methods outlined in 9 VAC 5-50-60 et seq. of the Regulations for the Control and Abatement of Air Pollution. These precautions include, but are not limited to, the following: Use, where possible, of water or chemicals for dust control; installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials; covering open equipment for conveying materials from paved streets and removal of spilled or tracked dirt or other materials from paved streets and removal of dried sediments resulting from soil erosion.

**Response:** Dust will be minimized according to methods outlined in 9 VAC 5-50-60 et seq. of the Regulations for the Control and Abatement of Air Pollution.

### **Virginia Department of Environmental Quality, Waste Division**

**Comment 8:** The Virginia Department of Environmental Quality (DEQ), Waste Division states that hazardous waste issues were addressed in the report. The report did not include a search of waste-related data bases. A Geographic Information System (GIS) database search did not reveal any waste sites within a half mile radius that would impact or be impacted by the subject site. The Waste Division staff performed a cursory review of its data files and determined that the site spans four zip codes. Waste sites can be found in three of these zip codes; however their proximities of the waste sites to the subject site are unknown.

**Response:** The trail route has been reviewed and observations during flagging of the trail route indicate that there is no evidence of hazardous, toxic, or radioactive waste (HTRW), therefore it is not expected that any hazardous and toxic wastes would be encountered during construction, operation, or maintenance of the proposed trail.

**Comment 9:** DEQ encourages all construction projects and facilities to implement pollution prevention principles, including: the reduction, reuse and recycling of all solid wastes generated; and the minimization and proper handling of generated hazardous wastes.

**Response:** Pollution prevention principles will be applied during construction, operation, and maintenance of the trail.

**Comment 10:** Any soil that is suspected of contamination or wastes that are generated during construction-related activities must be tested and disposed of in accordance with applicable federal, state and local laws and regulations.

**Response:** If any soils or wastes that are generated are suspected of contamination, they will be tested and disposed of in accordance with applicable federal, state, and local laws and regulations.

## **Department of Conservation and Recreation (DCR), Division of Natural Heritage**

**Comment 11:** The DCR Division of Planning and Recreational Resources states that the construction, operation and maintenance of the Philpott Lake trail network by the Corps is consistent with the 2007 Virginia Outdoors Plan. The plan identifies this trail network as a potential segment of a regional trail linking to the South River Trail (page 90). This regional trail network could connect the Tobacco Heritage Trail to the Blue Ridge Parkway as part of the statewide Beaches to Bluegrass trail.

**Response:** Concur

The Corps will consult with the DCR Division of Planning and Recreational Resources on the possible connection of trails as part of the statewide Beaches to Bluegrass trail.

**Comment 12:** Since new and updated information is continually added to the Biotics Data System, contact the DCR Division of Natural Heritage (DNH) at (804) 786-7951 for an update on this natural heritage information if a significant amount of time passes before it is utilized.

**Response:** If a significant amount of time passes before construction begins, the Corps will contact DCR DNH for an update on natural heritage information in the Biotics Data System.

**Comment 13:** Coordinate with the U.S. Fish and Wildlife Service (FWS) to ensure compliance with protected species legislation regarding the Roanoke logperch.

**Response:** The Corps has coordinated with the U.S. Fish and Wildlife Service (FWS) to ensure compliance with protected species legislation regarding the Roanoke logperch. See section 4.2.3 of the EA for further details.

**Comment 14:** To minimize adverse impacts to the aquatic ecosystem as a result of the proposed activities, DCR recommends the implementation of and strict adherence to applicable state and local erosion and sediment control/stormwater management laws and regulations.

**Response:** An erosion and sediment control plan will be submitted to the DCR Regional Office in Clarksville for land disturbing activities in Henry and Franklin counties and to the DCR Regional Office in Dublin for land-disturbing activities in Patrick County to ensure compliance with state laws and regulations. Additionally, the Corps will register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project-specific stormwater pollution prevention plan.

**Comment 15:** DCR found that there are no State Natural Area Preserves under its jurisdiction in the project vicinity.

The DCR DNH has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. DNH found that the current activity will not affect any documented state-listed plant and insect species.

VDACS states that statements in the project document concerning endangered species were reviewed and compared to available information. No additional comments are necessary in reference to endangered plant and insect species.

If state-listed species are encountered, as mentioned in the draft EA, coordinate activities with Keith Tignor (804-786-3515) at VDACS to ensure compliance with protected species legislation.

**Response:** During trail construction, the trail route will be routed and constructed in a manner that avoids and minimizes impacts to state-listed species. If a state listed species is encountered, all activities will be coordinated with Keith Tignor at VDACS to ensure compliance with protected species legislation.

### **Department of Game and Inland Fisheries**

**Comment 16:** According to DGIF's records, the federally listed endangered Roanoke logperch and state-listed threatened orange fin madtom have been documented from Smith River, which has been designated a Threatened and Endangered Species Water. In addition, the Smith River, below the dam, has been designated a wild trout water known to support brook trout. Based on the scope of this project, DGIF does not anticipate it to result in adverse impacts upon these resources, assuming erosion and sediment controls are used during land clearing.

Coordinate with the U.S. FWS regarding the potential impact to federally listed species.

**Response:** Acknowledged. The Corps has coordinated with the U.S. Fish and Wildlife Service (FWS) to ensure compliance with protected species legislation regarding the Roanoke logperch and will utilize all appropriate erosion and sediment controls.

**Comment 17:** Use pervious surfaces for the trails and impact as little of the forested buffer as possible.

**Response:** All trail surfaces will be natural. Trails would impact individual plants and trees but would not result in any significant change to a population, community, or species of vegetation. Removal of larger canopy trees would be avoided. Tree trimming, removal, and root damage would be minimized by trail routing choices. Use of existing paths, roads, and rights of way, as appropriate, would also minimize the need for removal of vegetation.

### **Virginia Department of Health (VDH) Office of Drinking Water**

**Comment 18:** Field locate, tag and protect all wells located around the lake, primarily on the northeast side, from construction activities and storage of materials.

**Response:** Based on a field survey conducted in September of 2009, no wells will be impacted by trail construction.

**Comment 19:** Notify the Henry County Public Service Authority of the construction plans.

**Response:** The Henry County Public Service Authority will be notified of construction plans and be sent a copy of the erosion and sediment control plan submitted to the DCR Regional Office.

**Comment 20:** Implement all erosion and sediment and spill prevention controls, and proper storage of materials during construction.

**Response:** An erosion and sediment control plan will be submitted to the DCR Regional Office in Clarksville for land disturbing activities in Henry and Franklin counties and to the DCR Regional Office in Dublin for land-disturbing activities in Patrick County to ensure compliance with state laws and regulations. Additionally, the Corps will register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project-specific storm water pollution prevention plan. Spill prevention controls will also be implemented including the proper storage of materials during trail construction.

#### **Virginia Department of Mines, Minerals, and Energy (DMME)**

**Comment 21:** The DMME states that based on the location and scope of the proposed project, a significant, negative impact to geologic or mineral resources is not anticipated.

**Response:** Noted.

#### **Virginia Department of Historic Resources (DHR)**

**Comment 22:** The DHR states that the Corps has initiated consultation directly with DHR pursuant to Section 106 of the National Historic Preservation Act and will address the potential impacts to this project on historic resources through this process.

**Response:** Agreed. The Corps will continue to coordinate with DHR to ensure compliance with Section 106 of the National Historic and Preservation Act.

#### **Virginia Department of Forestry (VDOF)**

**Comment 23:** The VDOF finds that there will not be a significant impact to the forest resources of the Commonwealth as a result of this project.

**Response:** Noted.

**Comment 24:** In general, VDOF recommends that trees not slated for removal should be protected from the effects of future construction activities. These trees should be marked and fenced at least to the drip line or the end of the root system, whichever extends farther from the stem. Markings should be done with highly visible ribbon so that equipment operators see the protected areas easily.

**Response:** Trees slated for removal and the trail route will be clearly marked. Any trees to be removed will be done with a chain saw. Equipment operators will be instructed on tree/vegetation removal prior to beginning trail construction.

#### **West Piedmont Planning District Commission (WPPDC)**

**Comment 25:** The WPPDC endorses the proposal and concurs with the report. WPPDC sought advice and input from Franklin County. Based on contact with the County, the WPPDC understands that the local government supports the development of the Philpott Lake Trail network. This vital trail corridor is included in the County's 2004 Trails Plan. Franklin County has been actively planning and developing a trail system and this will be an asset to them. The County and the WPPDC would like to see a loop trail around the Philpott Lake facility. It will be an asset to the entire region. This project will be included in the WPPDC's Regional Rural Long-Range Transportation Plan section on trails being developed for the Virginia Department of Transportation.

**Response:** Noted. The Corps will coordinate with Franklin County, the West Piedmont Planning District Commission and the Virginia Department of Transportation on the inclusion of this trail network in the WPPDC's Regional Rural Long-Range Transportation Plan, being developed for the Virginia Department of Transportation.

#### **Henry County**

**Comment 26:** Henry County strongly supports the proposed Philpott Lake Trail Network plan, which if approved, would be incorporated as a supplement to the 1982 Philpott Lake Master Plan Update. The County believes that the plan is in the public interest and reflects the concern for the protection and utilization of Corps resources.

**Response:** Noted

#### **A.2. Blue Ridge Regional Office (BRRO) Dated April 17, 2009**

Comment and response are addressed in section A.1, comment 1.

#### **A.3 Virginia Department of Environmental Quality Dated April 8, 2009**

Comments and responses are addressed in section A.1, comments 8-10.

#### **A.4 Commonwealth of Virginia, Department of Conservation and Recreation Dated April 13, 2009**

Comments and Responses are addressed in section A.1, comments 3-7 and 11-15.

**A.5 Commonwealth of Virginia, Department of Game and Inland Fisheries**  
**Dated April 24, 2009**

**Comment:** We have reviewed the document and have no comments on the proposed trail except to say that we agree with your selection of the preferred alternative consisting of approximately 20 miles of trail.

**Response:** Acknowledged

Additional comments and responses can be found in section A.1, comments 16-17.

**A.6 U.S. Department of Agriculture, Natural Resources Conservation Service**

**Comment:** I have read the EA and agree that the Proposed Philpott Lake Trail Network is a good use of public funds that will help to meet the demand and encourage additional recreational trail use in the area. Only temporary disturbance to fish and wildlife is expected during construction and maintenance. In the long run, positive water quality and erosion effects are expected due to improved stream crossings and the expected reduction of unauthorized activities. The proposed trail network is the best alternative and should be recommended.

**Response:** Noted.

**A.7. Department of Health & Human Services**  
**Dated April 24, 2009**

**Comment:** Placing mapped, signed, marked, monitored, and maintained trails in areas where none currently exist should improve the user experience and increase public safety. If proper safeguards are followed during construction, there should be very minimal negative impacts to the environment and increased opportunities for improved public health. If public comments are supportive of this proposal, a FONSI is likely to be an appropriate action pursuant to NEPA.

**Response:** Acknowledged.

**A.8. U.S. Fish and Wildlife Service**  
**Dated August 18, 2009**

**Comment:** Based on the project description and location, it appears that no impacts to federally listed species or designated critical habitat will occur. Should project plans change or if additional information on the distribution of listed species or critical habitat becomes available, this determination may be reconsidered.

**Response:** Noted.

**A.9. Department of Historic Resources**  
**Dated April 28, 2009**

**Comment:** We look forward to further coordination per section 4.1.9 “Cultural Resources” in the Environmental Assessment. The process of identification, evaluation, and avoidance/mitigation presented in the Environmental Assessment appears adequate to address and unanticipated historic properties encountered in construction of the trail network.

**Response:** Noted.

Additional comment and response can be found in section A.1, comment 22.

**A.10 County of Henry County**  
**Dated April 2, 2009**

Comment and response detailed in section A.1, comment 26.

**A.11 Western Piedmont Planning District Commission**  
**Dated April 9, 2009**

Comment and response are addressed in section A.1, comment 25.

**A.12 Virginia Department of Forestry (VDOT)**  
**Dated April 1, 2009**

**Comment:** The Department of Forestry finds no significant impact to the forest resources of the commonwealth for this project.

**Response:** Acknowledged

Additional comments and responses can be found in section A.1, comments 23-24.

**A 13: James Wright**

**Comment 1:** The land adjacent to the lake in most areas is very steep and it could suffer severe erosion that would damage the land and the lake if the natural ecosystem is disturbed. A cleared trail around the lake is not needed for a walking trail, only a marked trail to guide the walkers. A cleared bike/hiker trail if used by very many individuals will only result in erosion problems because the trail cover (fall leaves) will be destroyed by the traffic in a confined area (the trail). Since the leaves that protect the land only fall once a year the defined trail could be at risk for a large portion of the year. Because of the limited cover regeneration capability of the trails natural cover, the trail will require constant maintenance to keep it clean and prevent erosion problems.

**Response:** Some loss of soil and vegetation will occur as a result of the development of the proposed trail system, but will not pose a significant, negative impact to natural resources. Trail construction will be done in compliance with applicable federal, state, and local laws. An Erosion and Sediment Control Plan will be implemented in accordance with Virginia Erosion and Sediment Control Law and Regulations. A General Permit for Discharges of Stormwater

from construction activities will be obtained, and a Stormwater Pollution Prevention Plan will be implemented in accordance with Virginia Stormwater Management Law and Regulations.

The International Mountain Bicycling Association (IMBA) conducted two workshops in November 2007 at Philpott Lake to train Corps staff and interested individuals on sustainable trail building. Trail layout will follow the contour to the maximum extent possible to keep the average grade at a minimum. Trail tread will be outsloped to promote sheet flow of runoff from the trail. In areas where steeper grades are necessary, grade reversals will be used to divert water from the trail tread. These features will minimize tread erosion by allowing water to drain in a gentle, non-erosive manner and will minimize trail maintenance requirements. It is anticipated that using these sustainable techniques will result in a trail that has very little impact on the environment; resists erosion through proper design, construction, and maintenance; and blends with the surrounding area.

**Comment 2:** Based on past performance on other projects, I doubt that the funding for such an effort has been or will be allocated by the Federal Government.

**Response:** The Corps of Engineers has entered into a partnership agreement with Franklin County Parks and Recreation, Friends of Philpott, Inc., Henry County Bike Club, Franklin Freewheelers, Inc., and Southern Virginia Mountain Bike Association in order to develop approximately 20 miles of shared-use trail at Philpott Lake. The cost of this project will be shared among the partners of this agreement.

**Comment 3:** Table 3 in the Environmental Assessment report implied that doing nothing would result in the worst case damage for the ecosystem. This outcome is not logical. The damage referenced in the no action column is the result of the Corps' inability to police the illegal activities that allowed the damage to occur in the first place. If you build the trail system and maintain the current enforcement practices, the physical damage will only get worse because the four wheelers and dirt bikers will have access to additional trails with no additional enforcement. This will allow the trail cover to be destroyed, which will result in erosion and water contamination.

**Response:** The No Action alternative does not mean “doing nothing”. It means that trails would not be constructed. “No action” does not mean that recreational use demand would be lessened or precluded. Instead that use would be on unauthorized paths that are not designed using sustainable methods and approaches. Providing designated trails would minimize vegetation damage in areas currently accessed by unauthorized paths. We believe the comparison of impacts between the proposed action and no action alternative is valid.

Attention to the location of the trail relative to property boundaries and screening by forest vegetation will help maintain privacy of adjacent residences. Property owners may also maintain undisturbed vegetative buffers along property boundaries to screen their property from neighboring activities. Trails will be regularly patrolled and monitored by agency staff and volunteers.

The tread of the trail is intended to be narrow enough to deter ATV use. However, dirt bikes and ATV's are a difficult challenge for trail management at Philpott Lake. Title 36 Rules and Regulations Governing Public Use of Corps of Engineers Water Resources Development Projects will be enforced to its fullest extent in order to minimize unauthorized ATV use as well as other violations that could result in user conflicts, resource degradation or safety issues

**Comment 4:** Will you please advise me about the requirements for requesting a public hearing or inform me of the date, location, and time if one is already scheduled.

**Response:** The term "public hearing" was mistakenly used when preparing the letter to the public. Public hearing is a legal term that is typically only used in reference to Clean water Act impacts, more specifically wetlands impacts, and is not implemented during the normal NEPA process. In some cases, if an EA results in too many significant issues that cannot be addressed, a public meeting or forum may be utilized. No comments were received on the EA from the public or federal, state or local agencies that raised any concerns or issues that resulted in any significant changes to the proposed plan, therefore, another public meeting is not warranted.

However, a public meeting was held on December 13, 2007 to gauge interest in the proposal. Attendance included residents from Henry, Franklin, and Patrick counties, including members of a variety of local government, non-profit and user group organizations, such as Friends of Philpott, Inc., Henry County Bike Club, Franklin Freewheelers, Inc., Fairystone State Park, Southern Virginia Mountain Bike Association, Franklin County Parks and Recreation, Dan River Basin Association, Ferrum College, Martinsville-Henry County Rivers and Trails Group, Activate Martinsville, and Trout Unlimited. There was a great deal of support for the trail proposal among the individuals and organizations represented at this meeting. Also, some very useful input was obtained that has been incorporated into the final design of the proposed trail project.

#### **A 14: Zelfhia (Pete) R. Aheron**

**Comment 1:** In what way would projects like these be funded? Would Federal or State money be used to fund these projects? Would these trails receive funding for cleaning of the trails and maintenance on a regular basis?

**Response:** The Corps of Engineers has entered into a partnership agreement with Franklin County Parks and Recreation, Friends of Philpott, Inc., Henry County Bike Club, Franklin Freewheelers, Inc., and Southern Virginia Mountain Bike Association in order to develop approximately 20 miles of shared-use trail at Philpott Lake. The cost of this project will be shared among the partners of this agreement. The Philpott Lake Operations and Maintenance Contractor will be responsible for regular trail maintenance

**Comment 2:** Why was there no open public discussion to review the prior letter we have received from The Corp of Engineer's?

**Response:** A public meeting was held on December 13, 2007 to gauge interest in the proposal. Attendance included residents from Henry, Franklin, and Patrick counties, including members of

a variety of local government, non-profit and user group organizations, such as Friends of Philpott, Inc., Henry County Bike Club, Franklin Freewheelers, Inc., Fairystone State Park, Southern Virginia Mountain Bike Association, Franklin County Parks and Recreation, Dan River Basin Association, Ferrum College, Martinsville-Henry County Rivers and Trails Group, Activate Martinsville, and Trout Unlimited. There was a great deal of support for the trail proposal among the individuals and organizations represented at this meeting. Also, some very useful input was obtained that has been incorporated into the final design of the proposed trail project.

The Environmental Assessment mailed out for review on February 27, 2009 is the formal process under the National Environmental Policy Act to gather comments from various federal, state, and interested public parties.

**Comment 3:** Where is the influence of these bike/ hiking trails coming from?

**Response:** The Corps of Engineers is the steward of the lands and waters at Corps water resource projects and has a mission to manage and conserve those natural resources while providing quality outdoor recreation experiences to serve the needs of present and future generations. According to the 2006 Virginia Outdoors Survey, conducted by the Virginia Department of Conservation and Recreation and Virginia Commonwealth University to measure the public demand for outdoor recreation, the “most needed” opportunities in Virginia were determined to be public access to state waters for boating, fishing, swimming, and beach use; trails for hiking and walking; access to natural areas; trails for bicycling; and trails for horseback riding. Therefore, in consideration of the 2006 Virginia Outdoors Survey and with the support of local government, non-profit organizations, and user groups, it has been determined that the development of additional trails around Philpott Lake is desirable.

**Comment 4:** Would the Corp land affected by these trails be surveyed by a legitimate surveyor and marked. And where would these finances come from?

**Response:** Permanent survey markers indicate all property corners and include monuments and iron pins. Orange paint is used to mark witness trees along the property line and do not indicate the exact location of the line. The trail route will be carefully flagged by natural resources specialists and rangers prior to construction ensuring that all trails are located on public lands. The cost of this project will be shared among the partners of this agreement. For details on the partners see answer to comment 1 of this section (A.14).

**Comment 5:** There would be limited access to these destination's making emergencies almost impossible and trespassing more common. What would the liability be for these kinds projects? Would there be a full proof plan in contact for lawsuits and etc?

**Response:** The Corps of Engineers uses a Risk Management Process to identify, assess, and control hazards. Risk Management has been an integral part of the design and planning phases of the proposed trail. This process will ensure that the trail is managed with reasonable and prudent care to minimize safety hazards and eliminate unreasonable hazards. Trailhead kiosks and trail signage will be used to communicate trail rules, trail difficulty, safety considerations,

responsible trail use, and emergency contact information. The Philpott Lake Operations and Maintenance Contractor will be responsible for regular trail maintenance. Volunteers will patrol the trail and perform trail inspection, general maintenance, and other risk management duties. Emergency access locations will be identified as part of the Risk Management Process in order to provide reasonable medical care in the event of an injury. Incidents that occur on the trail will be recorded in an incident report. These reports will help Philpott Lake staff identify, address hazards, and improve emergency services.

**Comment 6:** Is it the intent of the Corp of Engineer's to eliminate hunting?

**Response:** Areas currently open to hunting will remain open to hunting with no restrictions. The proposed trail would therefore accommodate hunters as well as a variety of other types of outdoor enthusiasts, such as hikers, bicyclists, and wildlife watchers. Signage and other educational tools will be employed to promote hunting and trail safety and to minimize conflict among the various users of the trail and surrounding public land.

**Comment 7:** In the letter we have received it notes that the impact of the environment would be minimal. I strongly disagree with that statement. Many tree's would be cut, soil erosion would occur, and animal habitat would greatly be affected. In general you would be making a place for so few to ride and displacing thousands of animals and reptiles along with destroying forestry.

**Response:** See response to comment 1 of section A.13.

**Comment: 8** Has anyone completed a study on the affect of traffic in these areas?

**Response:** Vehicular traffic would be anticipated to increase with any increases in visitation resulting from additional trail opportunities. Increases would be greater during special events. The increase in traffic would not be anticipated to exceed capacity of existing roads or parking areas thus a traffic study was not completed. No additional parking areas are proposed.

Based on observations of mountain bike trails at other sites, as well as other lakes, most users will commute by automobile to the trailhead locations. No significant increases in automobile traffic are expected along other roadways.

**Comment 9:** Has anyone contacted VDOT to do a traffic study and repair and or project study for these areas to maximize safety? Wouldn't bikers be impeding the flow of traffic?

**Response:** VDOT has not been asked to conduct a traffic study for these areas. However, VDOT and the West Piedmont Planning District Commission were contacted by means of the Environmental Assessment. Please see section A 1 comment 25 from the West Piedmont Planning District.

Based on trails that have been constructed in other locations, the Corps does not expect to see a rise in the amount of bike traffic on the roads.

**Comment 10:** Who could be contacted to place no litter signs?

**Response:** Most mountain bikers and hikers are concerned about natural resource conservation and have a strong sense of environmental stewardship. Therefore, it is not anticipated that there will be an increase in the amount of litter along highways.

No littering signs will be placed inside recreation areas at the designated trailheads and trash receptacles will be installed at trailheads. The placement of littering signs along the highway will need to be coordinated through the county.

#### **A 15: Chris and Kathy Fields**

**Comment 1:** The distance from our property line to the lake, which is about 120 yards, we are concerned about vandalism and property theft. Possible vandalism and theft of property on our pier and boats. We have a pier permit and the path to our pier will be crossed by the trail.

Security - On Sunday April 26th from our boat on the lake, we saw 3, Four wheelers and 2 motor cross bikes on the horse and walking trail already built between Salt House and The Dam. How will the area's so close to our homes be secured?

**Response:** It is not anticipated that there will be an influx in vandalism or theft of personal property. The trail provides access to remote areas of Philpott Lake unlikely to attract illegitimate activity due to the distance from trail access points to private property. Additionally, research by The Rails to Trails Conservancy and the National Park Service indicates that the positive presence of people including users and patrols on trails are a deterrent to undesirable behaviors in both urban and rural areas. Trails will be regularly patrolled and monitored by agency staff and volunteers.

Visitors and adjacent property owners should report any unauthorized trail activities to the Corps of Engineers. Hunting and fishing violations should be reported to the Virginia Department of Game and Inland Fisheries Enforcement Section. Criminal activities should be reported immediately to local law enforcement. There is also a Corps Watch Hotline for reporting criminal activities against Corps Property. Corps Watch signs will be posted at or near trail access points.

**Comment 2:** Safety of our young children encountering people/pets walking on trail.

Pets - we have might encounter people that might wander from the trail to our property.

**Response:** Title 36 states that all pets must be kept on a leash under six feet in length. Trailhead kiosks will inform trail users to comply with Title 36 regulations. Any violations should be reported to the Corps.

Attention to the location of the trail relative to property boundaries and screening by forest vegetation will help maintain privacy of adjacent residences. Property owners may also maintain undisturbed vegetative buffers along property boundaries to screen their property from neighboring activities.

**Comment 3:** Devaluation of property due to the close vicinity of the trail to our lake house.

**Response:** As indicated in section 4.3.7 of the EA the Trust for Public Lands reports that "Numerous studies have shown that parks and open space increase the value of neighboring residential property." However, "in rural areas where there is plentiful open space, the incentive to pay a premium to be close to a park is likely to be lower than in densely populated urban areas where open space is rare." Overall the presence of public lands and the availability of ready access to the benefits of public lands including the new trail would be a positive benefit to private property owners in the vicinity.

**Comment 4:** Study reflects that foliage will cover trail- however the back of our house is 20 feet off the ground and our back yard view will be the trail instead of the natural area we enjoy.

**Response:** Construction and maintenance of the trail would require removal of some vegetation but will not result in noticeable gaps in the tree canopy or greatly alter the aesthetics of the surrounding area.

**Comment 5:** The study said people where contacted about the proposed trail that had houses or property adjacent to it. We were not contacted.

**Response:** Section 4.3.7 paragraph 3 of the EA states that "Shoreline permit holders whose access paths would be crossed by the proposed trail were contacted via telephone regarding the proposed trail plan." The first public meetings regarding the proposed trails were held December of 2007 and phone calls to dock owners were made in the spring of 2008. During that time those individuals who were alternate dock owners or did not have a shoreline permit were not notified. However, the mailing list for the EA went to all adjacent land owners.

#### **A 16: Cindy Smith**

**Comment 1:** My dad (Forrest Bray) received the package concerning construction of the hiking trails. He thinks it is a good idea but is very concerned about the safety. How will it be patrolled for safety?

**Response:** The trail will be patrolled using both volunteers and rangers on foot and ATV. Although the trail is not open to public ATV use, the staff at Philpott Lake uses an ATV for maintenance and patrol purposes on trails. We currently have a 4.5 mile trail from the dam to Salthouse where we patrol using these means and have had no incidents reported since the construction of the trail in 2005.

#### **A 17: Edwin France**

**Comment 1:** I don't object to the trails that would be established in the Philpott area, but I do have several concerns about the safety of the hikers near adjacent properties during hunting seasons. Does this mean there would be no hunting on Philpott Lake property?

**Response:** Areas currently open to hunting will remain open to hunting with no restrictions. The proposed trail would therefore accommodate hunters as well as a variety of other types of outdoor enthusiasts, such as hikers, bicyclists, and wildlife watchers. Signage and other educational tools will be employed to promote hunting and trail safety and to minimize conflict among the various users of the trail and surrounding public land.

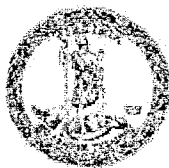
**A 18: Tycho & Marie Wood**

**Comment: 1** I have read the environmental assessment report on the new proposed trails at Philpott Lake. My wife and I have enjoyed Philpott since the early 70's and look forward to hiking the new trails.

**Response:** Comment noted.

## **APPENDIX B**

### **LETTERS AND MEMORANDA RECEIVED DURING THE EA COMMENT PERIOD**



## COMMONWEALTH of VIRGINIA

### DEPARTMENT OF ENVIRONMENTAL QUALITY

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April 27, 2009

Ms. Mary Lawson  
U.S. Army Corps of Engineers, Philpott Lake  
1058 Philpott Dam Road  
Bassett, VA 24055

RE: Draft Environmental Assessment: Construction, Operation and Maintenance of  
the Philpott Lake Trail Network (DEQ 09-062F)

Dear Ms. Lawson:

The Commonwealth of Virginia has completed its review of the above-referenced draft environmental assessment (EA). The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal environmental documents prepared pursuant to the National Environmental Policy Act and responding to appropriate federal officials on behalf of the Commonwealth. The following agencies, locality and planning district commission joined in this review:

- Department of Game and Inland Fisheries
- Department of Agriculture and Consumer Services
- Department of Conservation and Recreation
- Department of Health
- Department of Environmental Quality
- Virginia Marine Resources Commission
- Department of Historic Resources
- Department of Mines, Minerals and Energy
- Department of Forestry
- West Piedmont Planning District Commission
- Henry County

The Department of Transportation, Franklin County and Patrick County also were invited to comment.

## **PROPOSED FEDERAL ACTION**

The Wilmington District of the U.S. Army Corps of Engineers (Corps) is proposing to connect, operate and maintain a series of trails around Philpott Lake in Henry and Franklin counties. The Corps has submitted an environmental assessment (EA) to the Department of Environmental Quality (DEQ) for review. It addresses the potential environmental impacts of the Philpott Lake Trail Network Plan, which would be incorporated as a supplement to the 1982 Philpott Lake Master Plan Update. The Corps is proposing to construct multiple loops with a total length of 20 miles of trail. The trail network would be located on government-owned property and would extend along the east side of the lake and connect six different parks. Sections of the trail would be open to hikers and bicyclists. Hiking and biking trails would be maintained to a maximum width of 4 feet and would have a natural surface. The trail routes would follow topographic contours as much as possible, and an average slope of less than 10 percent would be maintained. The EA also includes an alternative project for the construction, operation and maintenance of 7.5 miles of a hiking-only trail that would connect fewer parks than the proposed action described above. The EA states that the proposed action should not significantly affect the environment. If this finding is upheld during the review of the EA, a Finding of No Significant Impact will be issued.

## **ENVIRONMENTAL IMPACTS AND MITIGATION**

**1. Water Quality and Wetlands.** The EA (page 9) states that for either the multi-use trail or the hiking-only trail, runoff may affect water quality. Mitigation options would include the use of sustainable trail construction methods. The EA (page 16) states that no additional equestrian trails are proposed.

**1(a) Agency Jurisdiction.** The State Water Control Board promulgates Virginia's water regulations, covering a variety of permits to include the Virginia Pollutant Discharge Elimination System Permit, Virginia Pollution Abatement Permit, Surface and Groundwater Withdrawal Permit, and the Virginia Water Protection (VWP) Permit. The VWP Permit is a state permit which governs wetlands, surface water and surface water withdrawals/impoundments. It also serves as § 401 certification of the federal Clean Water Act § 404 permits for dredge and fill activities in waters of the United States. The VWP Permit Program is under the Office of Wetlands and Water Protection and Compliance within the DEQ Division of Water Quality Programs. In addition to central office staff who review and issue VWP Permits for transportation and water withdrawal projects, the six DEQ regional offices perform permit application reviews and issue permits for the covered activities.

**1(b) Agency Comments.** According to the DEQ Blue Ridge Regional Office (BRRO), the EA states that "horse trailer parking for the Dogwood Glen Trail is located down stream of the Dam on the north bank of the river" and "horse waste is the responsibility of the horse owner."

**1(c) Recommendations.** The DEQ BRRO recommends that due to the potential for impairment due to bacteria given the proximity of the horse trailers to the river, consideration should be given to providing educational materials or instructions to the users of the horse trail and some mechanism to reduce horse waste from entering the river.

For additional information, contact Kevin A. Harlow by phone at (540) 562-6788 or e-mail at [kaharlow@deq.virginia.gov](mailto:kaharlow@deq.virginia.gov).

**2. Subaqueous Lands.** The EA (page 9) states that bridges would be used to cross streams and no work would occur within the waterways. In addition, the EA (page 8) states that either alternative would require 13 total stream crossings.

**2(a) Agency Jurisdiction.** The Virginia Marine Resources Commission (VMRC) regulates encroachments in, on or over state-owned subaqueous beds as well as tidal wetlands pursuant to § 28.2-1200 through 1400 of the *Code of Virginia*.

The VMRC serves as the clearinghouse for the Joint Permit Application (JPA) used by the:

- § U.S. Army Corps of Engineers (Corps) for issuing permits pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act;
- § DEQ for issuance of a VWP permit;
- § VMRC for encroachments on or over state-owned subaqueous beds as well as tidal wetlands; and
- § local wetlands board for impacts to wetlands.

The VMRC will distribute the completed JPA to the appropriate agencies. Each agency will conduct its review and respond.

**2(b) Agency Comments.** Pursuant to § 28.2-1200 *et seq.* of the *Code of Virginia*, VMRC has jurisdiction over any encroachments in, on, or over any state-owned bays, rivers, streams or creeks in the Commonwealth. According to the VMRC, if any portion of the proposed project involves encroachments channelward of ordinary high water along natural rivers and streams above the fall line or mean low water below the fall line, a permit may be required from the VMRC prior to the commencement of construction. A preliminary review of the site shows that there would be no impacts to streams with drainage areas greater than 5 square miles. Any jurisdictional impacts will be reviewed by VMRC during the JPA process.

**2(c) Requirements.** Submit a JPA to VMRC for review and distribution.

### **3. Erosion and Sediment Control and Stormwater Management.**

**3(a) Erosion and Sediment Control.** The Corps and its authorized agents conducting regulated land-disturbing activities on private and public lands in the state must comply

with the Virginia Erosion and Sediment Control Law and Regulations (VESCL&R) and the Virginia Stormwater Management Law and Regulations, including coverage under the General Permit for Stormwater Discharge from Construction Activities, and other applicable federal nonpoint source pollution mandates (e.g. Clean Water Act, Section 313). Clearing and grading activities, installation of staging areas, parking lots, roads, buildings, utilities, borrow areas, soil stockpiles and related land-disturbing activities that result in the land-disturbance equal to or greater than 10,000 square feet would be regulated by VESCL&R.

Accordingly, the Corps or its authorized agent must prepare and implement an erosion and sediment control plan to ensure compliance with state law and regulations. The plan is submitted to the Department of Conservation and Recreation (DCR) Regional Office that serves the area where the project is located for review for compliance. The applicant is ultimately responsible for achieving project compliance through oversight of on-site contractors, regular field inspection, prompt action against non-compliant sites and other mechanisms consistent with agency policy (Reference: VESCL §10.1-567).

**3(b) General Permit for Discharges of Stormwater from Construction Activities.**

The operator or owner of construction work involving land-disturbing activities equal to or greater than one acre are required to register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project-specific stormwater pollution prevention plan (SWPPP).

- § Construction activities requiring registration also includes the land-disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan of development will ultimately disturb equal to or greater than one acre.
- § The SWPPP must be prepared prior to submission of the registration statement for coverage under the General Permit and the SWPPP must address water quality and quantity in accordance with the Virginia Stormwater Management Program (VSMP) Permit Regulations.

General information and registration forms for the General Permit are available on DCR's website at [www.dcr.virginia.gov/soil\\_&\\_water/vsmp.shtml](http://www.dcr.virginia.gov/soil_&_water/vsmp.shtml) (Reference: Virginia Stormwater Management Law Act §10.1-603.1 *et seq.*; VSMP Permit Regulations §4 VAC-50 *et seq.*).

**4. Air Quality Impacts.** The EA (page 9) states that the use of equipment and grading activities may temporally result in fugitive dust and exhaust emissions.

**4(a) Agency Jurisdiction.** The DEQ Air Division, on behalf of the State Air Pollution Control Board, is responsible for developing regulations that become Virginia's Air Pollution Control Law. DEQ is charged with carrying out mandates of the state law and related regulations as well as Virginia's federal obligations under the Clean Air Act as amended in 1990. The objective is to protect and enhance public health and quality of life through control and mitigation of air pollution. The division ensures the safety and quality of air in Virginia by monitoring and analyzing air quality data, regulating sources

of air pollution, and working with local, state and federal agencies to plan and implement strategies to protect Virginia's air quality. The appropriate regional office is directly responsible for the issuance of necessary permits to construct and operate all stationary sources in the region as well as monitoring emissions from these sources for compliance. In the case of certain projects, additional evaluation and demonstration must be made under the general conformity provisions of state and federal law.

**4(b) Ozone Attainment Area.** According to the DEQ Air Division, the project site is located in an ozone attainment area.

**4(c) Open Burning.** If the project includes the burning of vegetative debris and construction or demolition material, this activity must meet the requirements under 9 VAC 5-40-5600 *et seq.* of the regulations for open burning, and it may require a permit. The regulations provide for, but do not require, the local adoption of a model ordinance concerning open burning. The Corps should contact officials with the appropriate localities to determine what local requirements, if any, exist.

**4(d) Fugitive Dust.** During construction, fugitive dust must be kept to a minimum by using control methods outlined in 9 VAC 5-50-60 *et seq.* of the Regulations for the Control and Abatement of Air Pollution. These precautions include, but are not limited to, the following:

- ξ Use, where possible, of water or chemicals for dust control;
- ξ Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials;
- ξ Covering of open equipment for conveying materials; and
- ξ Prompt removal of spilled or tracked dirt or other materials from paved streets and removal of dried sediments resulting from soil erosion.

**5. Hazardous Wastes.** The EA (page 10) states that the Corps does not anticipate encountering hazardous waste sites during the proposed project.

**5(a) Agency Jurisdiction.** Solid and hazardous wastes in Virginia are regulated by DEQ, the Virginia Waste Management Board and EPA. They administer programs created by the federal Resource Conservation and Recovery Act, Comprehensive Environmental Response Compensation and Liability Act, commonly called Superfund, and the Virginia Waste Management Act. DEQ administers regulations established by the Virginia Waste Management Board and reviews permit applications for completeness and conformance with facility standards and financial assurance requirements. All Virginia localities are required, under the Solid Waste Management Planning Regulations, to identify the strategies they will follow on the management of their solid wastes to include items such as facility siting, long-term (20-year) use, and alternative programs such as materials recycling and composting.

**5(b) Agency Findings.** The DEQ Waste Division states that hazardous waste issues were addressed in the report. The report did not include a search of waste-related data bases. A Geographic Information System (GIS) database search did not reveal any waste sites within a half mile radius that would impact or be impacted by the subject site. The Waste Division staff performed a cursory review of its data files and determined that the site spans four zip codes. Waste sites can be found in three of these zip codes; however their proximities of the waste sites to the subject site are unknown:

*Zip 24171, Solid Waste*

- ξ Patrick Co Memorial Hospital, Permit-by-Rule (PBR) 335, Regulated Medical Waste (RMW) Storage Facility
- ξ Patrick Co Memorial Hospital, PBR 336, RMW Storage Facility

*Zip 24055, Hazardous Waste*

- ξ Bassett Mirror Company, Philpott Plant BASSETT, TSDF (VAD003124633)
- ξ BFI Bassett/Bassett Superior Lines, LQG (VAD980721369)

*Zip 24102*

- ξ Blue Ridge Solvents and Coatings, Inc., LQG (VAR000503656)

*Zip 24102, Voluntary Remediation Program*

- ξ Blue Ridge Talc, Enrolled (VRP00170)

The following website may prove helpful in locating additional information for these identification numbers: [www.deq.virginia.gov/waste/waste.html](http://www.deq.virginia.gov/waste/waste.html). Click on "Search EPA's CERCLIS database" for information regarding Superfund sites and "Hazardous Waste Facilities" for information on generators of hazardous waste.

**5(c) Federal Facilities.** The DEQ Federal Facilities Program did not comment on this project.

**5(d) Agency Recommendations.** DEQ encourages all construction projects and facilities to implement pollution prevention principles, including:

- ξ the reduction, reuse and recycling of all solid wastes generated; and
- ξ the minimization and proper handling of generated hazardous wastes.

**5(e) Requirements.** Any soil that is suspected of contamination or wastes that are generated during construction-related activities must be tested and disposed of in accordance with applicable federal, state and local laws and regulations.

**6. Natural Heritage Resources.** The EA (page 11) states that construction and maintenance of either trail alternative would require the removal of vegetation. The Corps does not anticipate affecting unique geologic resources (page 6). The EA (page

13) states that a state-listed plant community occurs along a segment of the proposed trail; however, the trail would be routed around the area and the project would be closely coordinated with the Virginia Natural Heritage Program. Habitat for threatened and endangered species will be affected.

**6(a) Agency Jurisdiction.** The mission of the Department of Conservation and Recreation (DCR) is to conserve Virginia's natural and recreational resources. The DCR Division of Natural Heritage's (DNH) mission is conserving Virginia's biodiversity through inventory, protection and stewardship. The Virginia Natural Area Preserves Act, 10.1-209 through 217 of the Code of Virginia, was passed in 1989 and codified DCR's powers and duties related to statewide biological inventory: maintaining a statewide database for conservation planning and project review, land protection for the conservation of biodiversity, and the protection and ecological management of natural heritage resources (the habitats of rare, threatened and endangered species, significant natural communities, geologic sites, and other natural features).

**6(b) Agency Comments.** The DCR DNH has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map.

**6(c) Agency Findings.** According to DCR DNH's files, the Roanoke logperch (*Percina rex*, G1G2/S1S2/LE/LE) has been documented downstream in the Smith River. The Roanoke logperch is endemic to the Roanoke and Chowan River drainages in Virginia (Burkhead and Jenkins, 1991) and inhabits medium and large, warm and usually clear rivers with sandy to boulder spotted bottoms (TNC et. al., 1991). The Roanoke logperch is threatened by channelization, siltation, impoundment, pollution and de-watering activities (Burkhead & Jenkins, 1991). This species is currently classified as endangered by the U.S. Fish and Wildlife Service (FWS) and the Virginia Department of Game and Inland Fisheries (VDGIF). In addition, the Smith River has been designated by VDGIF as a Threatened and Endangered Species Water for the Roanoke logperch.

**6(d) Threatened and Endangered Plant and Insect Species.** The Endangered Plant and Insect Species Act of 1979, Chapter 39, §3.1-102- through 1030 of the Code of Virginia, as amended, authorizes the Virginia Department of Agriculture and Consumer Services (VDACS) to conserve, protect and manage endangered species of plants and insects. VDACS Virginia Endangered Plant and Insect Species Program personnel cooperates with the U.S. Fish and Wildlife Service, DCR DNH and other agencies and organizations on the recovery, protection or conservation of listed threatened or endangered species and designated plant and insect species that are rare throughout their worldwide ranges. In those instances where recovery plans, developed by the U.S. Fish and Wildlife Service, are available, adherence to the order and tasks outlines in the plans are followed to the extent possible.

VDACS has regulatory authority to conserve rare and endangered plant and insect species through the Virginia Endangered Plant and Insect Species Act. Under a

Memorandum of Agreement established between VDACS and DCR, DCR has the authority to report for VDACS on state-listed plant and insect species.

- ξ DNH found that the current activity will not affect any documented state-listed plant and insect species.
- ξ VDACS states that statements in the project document concerning endangered species were reviewed and compared to available information. No additional comments are necessary in reference to endangered plant and insect species.

**6(e) Natural Area Preserves.** DCR found that there are no State Natural Area Preserves under its jurisdiction in the project vicinity.

**6(f) Virginia Outdoors Plan.** The DCR Division of Planning and Recreational Resources states that the construction, operation and maintenance of the Philpott Lake trail network by the Corps is consistent with the 2007 Virginia Outdoors Plan. The plan identifies this trail network as a potential segment of a regional trail linking to the Smith River Trail (page 90). This regional trail network could connect the Tobacco Heritage Trail to the Blue Ridge Parkway as part of the statewide Beaches to Bluegrass Trail.

**6(g) Recommendations.**

- ξ Since new and updated information is continually added to the Biotics Data System, contact the DCR DNH at (804) 786-7951 for an update on this natural heritage information if a significant amount of time passes before it is utilized.
- ξ Coordinate with the U.S. Fish and Wildlife Service (FWS) to ensure compliance with protected species legislation regarding the Roanoke logperch.
- ξ To minimize adverse impacts to the aquatic ecosystem as a result of the proposed activities, DCR recommends the implementation of and strict adherence to applicable state and local erosion and sediment control/stormwater management laws and regulations.
- ξ If state-listed plant species are encountered, as mentioned in the draft EA, coordinate activities with Keith Tignor (804-786-3515) at VDACS to ensure compliance with protected species legislation.

**7. Wildlife Resources.** The EA (page 13) states that threatened or endangered species are not known to occur along the proposed trail routes. The Roanoke logperch is the only federally-listed species to occur on government property at Philpott Lake.

**7(a) Agency Jurisdiction.** DGIF, as the Commonwealth's wildlife and freshwater fish management agency, exercises enforcement and regulatory jurisdiction over wildlife and freshwater fish, including state- or federally-listed endangered or threatened

species, but excluding listed insects (Virginia Code Title 29.1). DGIF is a consulting agency under the U.S. Fish and Wildlife Coordination Act (16 U.S.C. sections 661 *et seq.*) and provides environmental analysis of projects or permit applications coordinated through DEQ and several other state and federal agencies. DGIF determines likely impacts upon fish and wildlife resources and habitat, and recommends appropriate measures to avoid, reduce or compensate for those impacts.

**7(b) Agency Comments.** According to DGIF's records, the federally listed endangered Roanoke logperch and state-listed threatened orangefin madtom have been documented from Smith River, which has been designated a Threatened and Endangered Species Water. In addition, the Smith River, below the dam, has been designated a wild trout water known to support brook trout. Based on the scope of this project, DGIF does not anticipate it to result in adverse impacts upon these resources, assuming erosion and sediment controls are used during land clearing.

**7(c) Additional Wildlife Information.** DGIF maintains a database (available online at <http://vafwis.org/fwis>) of wildlife locations, including threatened and endangered species, trout streams and anadromous fish waters. Questions on the database may be directed to the Shirl Dressler with DGIF at (804) 367-6913.

**7(d) Recommendation.** DGIF has the following recommendations:

- ξ Coordinate with the U.S. FWS regarding potential impact to federally listed species; and
- ξ Use pervious surfaces for the trails and impact as little of the forested riparian buffer as possible.

**8. Water Supply.** The proposed project would occur around Philpott Lake, which is a reservoir.

**8(a) Agency Jurisdiction.** The Virginia Department of Health (VDH) Office of Drinking Water (ODW) reviews projects for the potential to impact public drinking water sources (groundwater wells and surface water intakes).

**8(b) Agency Findings.** There are fourteen records of active public groundwater wells within a mile radius of the project site. The Philpott Reservoir Wells include:

- ξ Bowens Creek – Beach
- ξ Deer Island – Foot Bridge
- ξ Goose Point – Upper Building
- ξ Horseshoe Point – Shelter
- ξ Horseshoe Point – Utility
- ξ Jamison Mill – Building
- ξ Salthouse Branch – Utility
- ξ Deer Island – West

- ξ Jamison Mill – Hill
- ξ Jamison Mill – Picnic
- ξ Ryans Branch – Picnic
- ξ Salthouse Branch – Beach
- ξ Goose Point – Lower Building
- ξ Tailrace

There is one record of an active Public Surface Water intake within 5 miles of the project site. As noted in the EA, the Henry County Public Service Authority has a water intake on the upper Smith River below the Philpott Dam. There is the potential for significant adverse impacts to occur to water supplies as a result of this proposal.

**8(c) Recommendations.** VDH has the following recommendations:

- ξ Field locate, tag and protect all wells located around the lake, primarily on the northeast side, from construction activities and storage of materials;
- ξ Notify the Henry County Public Service Authority of the construction plans; and
- ξ Implement all erosion and sediment and spill prevention controls, and proper storage of materials during the construction.

**9. Geologic and Mineral Resources.** The EA does not address mineral resources.

**9(a) Agency Jurisdiction.** The Virginia Department of Mines, Minerals and Energy (DMME), through its six divisions, regulates the mineral industry, provides mineral research and offers advice on wise use of resources. The Department's mission is to enhance the development and conservation of energy and mineral resources in a safe and environmentally sound manner in order to support a more productive economy in Virginia. The DMME Division of Geology and Mineral Resources (DGMR), serving as Virginia's geological survey, generates, collects, compiles and evaluates geologic data, creates and publishes geologic maps and reports, works cooperatively with other state and federal agencies, and is the primary source of information on geology, mineral and energy resources, and geologic hazards for both the mineral and energy industries and the general public. DMME DGMR also provides the necessary geologic support for those divisions of DMME that regulate the permitting of new mineral and fuel extraction sites, miner safety and land reclamation.

**9(b) Agency Comments.** The DMME states that based on the location and scope of the proposed project, a significant, negative impact to geologic or mineral resources is not anticipated.

**10. Historic Architectural Resources.** The EA (page 10) states that the trail routes would be modified to avoid any cultural resources sites.

**10(a) Agency Jurisdiction.** The Virginia Department of Historic Resources (DHR) conducts reviews of projects to determine their effect on historic structures or cultural

resources under its jurisdiction. DHR, as the designated State's Historic Preservation Office, ensures that federal actions comply with Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulation at 36 CFR Part 800. The preservation act requires federal agencies to consider the effects of federal projects on properties that are listed or eligible for listing on the National Register of Historic Places. Section 106 also applies if there are any federal involvements, such as licenses, permits, approvals or funding. DHR also provides comments to DEQ through the state environmental impact report review process.

**10(b) Agency Comments.** The DHR states that the Corps has initiated consultation directly with DHR pursuant to Section 106 of the National Historic Preservation Act and will address the potential impacts of this project on historic resources through this process.

**11. Forest Resources.** The EA (page 11) states that the proposed trail route goes through a mature deciduous forest, and the construction of the trail will require the removal of vegetation.

**11(a) Agency Jurisdiction.** The mission of the Virginia Department of Forestry (VDOF) is to protect and develop healthy, sustainable forest resources for Virginians. VDOF was established in 1914 to prevent and suppress forest fires and reforest bare lands. Since the Department's inception, it has grown and evolved to encompass other protection and management duties including: protecting Virginia's forests from wildfire, protecting Virginia's waters, managing and conserving Virginia's forests, managing state-owned lands and nurseries, and managing regulated incentive programs for forest landowners.

**11(b) Agency Finding.** The VDOF finds that there will not be a significant impact to the forest resources of the Commonwealth as a result of this project.

**11(c) Recommendations.** In general, VDOF recommends that trees not slated for removal should be protected from the effects of future construction activities. These trees should be marked and fenced at least to the drip line or the end of the root system, whichever extends farther from the stem. Markings should be done with highly visible ribbon so that equipment operators see the protected areas easily.

## **12. Regional and Local Comments.**

**12(a) Regional Comments.** The West Piedmont Planning District Commission (WPPDC) endorses the proposal and concurs with the report. WPPDC sought advice and input from Franklin County. Based on contact with the County, the WPPDC understands that the local government supports the development of the Philpott Lake Trail Network. This vital trail corridor is included in the County's 2004 Trails Plan. Franklin County has been actively planning and developing a trail system and this will be an asset to them. The County and the WPPDC would like to see a loop trail around

the Philpott Lake facility. It will be an asset to the entire region. This project will be included in the WPPDC's Regional Rural Long-Range Transportation Plan section on trails being developed for the Virginia Department of Transportation (VDOT).

**12(b) Local Comments.** Henry County strongly supports the proposed Philpott Lake Trail Network plan, which if approved, would be incorporated as a supplement to the 1982 Philpott Lake Master Plan Update. The County believes that the plan is in the public interest and reflects the concern for the protection and utilization of Corps resources.

## **REGULATORY AND COORDINATION NEEDS**

**1. Subaqueous Lands.** The VMRC regulates encroachments in, on or over state-owned subaqueous beds as well as tidal wetlands pursuant to § 28.2-1200 through 1400 of the *Code of Virginia*. VMRC also serves as the clearinghouse for the Joint Permit Application (JPA). Submit a JPA to VMRC and coordinate with VMRC and reviewing agencies, as appropriate. Contact Dan Bacon with VMRC at (757) 247-2256.

## **2. Erosion and Sediment Control and Stormwater Management.**

**2(a) Erosion and Sediment Control.** The Corps and its authorized agents conducting regulated land-disturbing activities on private and public lands in the state must comply with the Virginia Erosion and Sediment Control Law and Regulations (VESCL&R) and the Virginia Stormwater Management Law and Regulations, including coverage under the General Permit for Stormwater Discharge from Construction Activities, and other applicable federal nonpoint source pollution mandates (e.g. Clean Water Act, Section 313). Submit an erosion and sediment control plan to the DCR Regional Office in Clarksville (434-374-3648) for land-disturbing activities in Henry and Franklin counties and to the DCR Regional Office in Dublin (540-643-2590) for land-disturbing activities in Patrick County to ensure compliance with state laws and regulations. The Corps is ultimately responsible for achieving project compliance (Reference: VESCL §10.1-567).

**2(b) General Permit for Discharges of Stormwater from Construction Activities.** The operator or owner of construction work involving land-disturbing activities equal to or greater than one acre are required to register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project-specific stormwater pollution prevention plan (SWPPP). The SWPPP must address water quality and quantity in accordance with the Virginia Stormwater Management Program (VSMP) Permit Regulations. General information and registration forms for the General Permit are available on DCR's website at [www.dcr.virginia.gov/soil\\_&\\_water/vsmp.shtml](http://www.dcr.virginia.gov/soil_&_water/vsmp.shtml) (Reference: Virginia Stormwater Management Law Act §10.1-603.1 *et seq.*; VSMP Permit Regulations §4 VAC-50 *et seq.*). Specific questions regarding the general permit for construction activities requirements should be directed to Holly Sepety with the DCR Division of Soil and Water Conservation at (804) 225-2613.

**3. Air Quality Regulation.** According to the DEQ Air Division, the following regulations may apply:

- § 9 VAC 5-50-60 *et seq.* of the regulations governing fugitive dust.
- § 9 VAC 5-40-5600 *et seq.* of the regulations governing open burning.

For information on local requirements pertaining to open burning, contact the appropriate localities (Henry, Franklin or Patrick counties), if applicable.

**4. Solid Waste and Hazardous Substances.** Any soil that is suspected of contamination or wastes that are generated during construction-related activities must be tested and disposed of in accordance with applicable federal, state and local laws and regulations.

Applicable state regulations include:

- § Virginia Waste Management Act, Code of Virginia Section 10.1-1400 *et seq.*;
- § Virginia Hazardous Waste Management Regulations (VHWMR) (9 VAC 20-60);
- § Virginia Solid Waste Management Regulations (VSWMR) (9 VAC 20-80); and
- § Virginia Regulations for the Transportation of Hazardous Materials (9 VAC 20-110).

Applicable federal regulations are:

- § the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 *et seq.*, and the applicable regulations contained in Title 40 of the Code of Federal Regulations; and
- § the U.S. Department of Transportation Rules for Transportation of Hazardous Materials, 49 CFR Parts 107, 171.1-172.558.

**5. Protected Species.**

- § Contact the DCR DNH at (804) 786-7951 for an update on natural heritage information if a significant amount of time passes before it is utilized.
- § Coordinate with the U.S. Fish and Wildlife Service (FWS) to ensure compliance with protected species legislation regarding the Roanoke logperch.
- § If state-listed plant species are encountered, as mentioned in the draft EA, coordinate activities with Keith Tignor (804-786-3515) at VDACS to ensure compliance with protected species legislation.

**6. Water Supplies.** Notify the Henry County Public Service Authority at (276) 634-2500 of the proposed construction plans to protect water supplies.

**7. Transportation.** Coordinate with Franklin County (540-483-3030), the West Piedmont Planning District Commission (WPPDC) (276-638-3987) and the Virginia Department of Transportation (540-387-5320) on the inclusion of this trail network in the WPPDC's Regional Rural Long-Range Transportation Plan, being developed for the Virginia Department of Transportation (VDOT).

**8. Historic and Archeological Resources.** Continue to coordinate with DHR to ensure compliance with Section 106 of the National Historic and Preservation Act, as amended.

## CONCLUSION

The Commonwealth has no objection to the proposed construction, operation and maintenance of the proposed series of hiking and biking trails around Philpott Lake or the proposed alternative project of a hiking-only trail. Reviewers did not identify any adverse impacts that could not be mitigated. DEQ concurs that the trail system would not pose a significant, negative impact to the Commonwealth's natural resources as long as all applicable state, federal and local laws and regulations are followed. DEQ encourages the Corps to follow recommendations, especially those related to water quality and water supply resources, detailed in this review in order to provide maximum protection of the environment.

Thank you for the opportunity to review the draft EA. Detailed comments of reviewing agencies are attached for your review. Please contact me at (804) 698-4325 or Julia Wellman at (804) 698-4326 for clarification of these comments.

Sincerely,



Ellie L. Irons, Manager  
Office of Environmental Impact Review

## Enclosures

cc: Amy Ewing, DGIF  
Keith Tignor, VDACS  
Barry Matthews, VDH  
Kevin Harlow, DEQ BRRO  
Dan Bacon, VMRC  
Roger, Kirchen, DHR  
Matt Heller, DMME  
Todd Groh, DOF  
Robert W. Dowd, West Piedmont PDC  
Benny Summerlin, Henry County  
Jay Scudder, Patrick County  
Richard Huff, Franklin County

April 17, 2009

Ms. Julia H. Wellman  
Department of Environmental Quality  
Office of Environmental Impact Review  
629 East Main Street, Sixth Floor  
Richmond, VA 23219

RE: EIR Comments: Philpott Lake Trail Network  
Project Number: 09-062F

Dear Ms. Wellman:

The Blue Ridge Regional Office (BRRO) of the Virginia Department of Environmental Quality has completed its review of the EIR for the proposed Philpott Lake Trail Network in Patrick, Henry, and Franklin Counties, VA, project number 09-062F. The project proponent is the U.S.DOD/Army/U.S. Army Corps of Engineers. BRRO comments follow below.

- The EIR states that "Horse trailer parking for the Dogwood Glen Trail is located down stream of the Dam on the north bank of the river" and that "Horse waste is the responsibility of the horse owner." Due to the potential for impairment due to bacteria given the proximity of the horse trailers to the river, consideration should be given to providing educational materials or instructions to the users of the horse trail and some mechanism to reduce horse waste from entering the river.

If you have any questions or comments related to this review, please do not hesitate to contact me by phone at 540-562-6788 or email at [kaharlow@deq.virginia.gov](mailto:kaharlow@deq.virginia.gov).

Sincerely,

Kevin A. Harlow  
Environmental Engineer, Sr.

Cc: EIR Files



**MEMORANDUM**

**TO:** Julia Wellman, Environmental Program Planner  
**FROM:** *PWK*  
Paul Kohler, Waste Division Environmental Review Coordinator  
**DATE:** April 8, 2009  
**COPIES:** Sanjay Thirunagari, Waste Division Environmental Review Manager; file  
**SUBJECT:** Environmental Impact Report: Construction, Operation and Maintenance of the Philpot Lake Trail Network; 09-062F

The Waste Division has completed its review of the Environmental Impact report for the Construction, Operation and Maintenance of the Philpot Lake Trail Network project in Henry County, Virginia. We have the following comments concerning the waste issues associated with this project:

Only hazardous waste issues were addressed in the report. The report did not include a search of waste-related data bases. A GIS database search did not reveal any waste sites within a half mile radius that would impact or be impacted by the subject site. The Waste Division staff performed a cursory review of its data files and determined that the site spans 4 zip codes. Waste sites of one type or another can be found in three of these codes, however the proximity of the waste sites to the subject site is unknown. These sites are as follows.

Zip 24171

SW

Patrick Co Memorial Hospital, PBR 335, RMW Storage Facility  
Patrick Co Memorial Hospital, PBR 336, RMW Storage Facility

Zip 24055

HW

VAD003124633, BASSETT MIRROR CO - PHILPOTT PLANT, TSDF  
VAD980721369, BFI BASSETT/BASSETT SUPERIOR LINES, LQG

Zip 24102

VAR000503656, BLUE RIDGE SOLVENTS AND COATINGS, INC., LQG

Zip 24102

VRP

VRP00170, Blue Ridge Talc, Enrolled in Program

The following website may prove helpful in locating additional information for these identification numbers: <http://www.deq.virginia.gov/waste/waste.html>. Click on "Search EPA's CERCLIS database" for information regarding Superfund sites and "Hazardous Waste Facilities" for information on generators of hazardous waste. Paul Herman of DEQ's Federal Facilities Program has been contacted for his review of this determination and will reply in a separate memo, if he identifies any additional issues.

Any soil that is suspected of contamination or wastes that are generated during construction-related activities must be tested and disposed of in accordance with applicable Federal, State, and local laws and regulations. Some of the applicable state laws and regulations are: Virginia Waste Management Act, Code of Virginia Section 10.1-1400 *et seq.*; Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC 20-60); Virginia Solid Waste Management Regulations (VSWMR) (9VAC 20-80); Virginia Regulations for the Transportation of Hazardous Materials (9VAC 20-110). Some of the applicable Federal laws and regulations are: the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 *et seq.*, and the applicable regulations contained in Title 40 of the Code of Federal Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous materials, 49 CFR Part 107.

Please note that DEQ encourages all construction projects and facilities to implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All generation of hazardous wastes should be minimized and handled appropriately.

If you have any questions or need further information, please contact Paul Kohler at (804) 698-4208.

DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF AIR PROGRAM COORDINATION

RECEIVED

ENVIRONMENTAL REVIEW COMMENTS APPLICABLE TO AIR QUALITY

TO: Julia H. Wellman

DEQ - OEIA PROJECT NUMBER: 09 - 062F

APR 03 2009

PROJECT TYPE: ☐ STATE EA / EIR ☒ FEDERAL EA / EIS ☐ SCC

DEQ-Office of Environmental  
Impact Review

☐ CONSISTENCY DETERMINATION/CERTIFICATION

PROJECT TITLE: CONSTRUCTION, OPERATION AND MAINTENANCE OF THE PHILPOTT  
LAKE TRAIL NETWORK

PROJECT SPONSOR: U. S. DOD / ARMY / U. S. ARMY CORPS OF ENGINEERS

PROJECT LOCATION: ☒ OZONE ATTAINMENT AREA

REGULATORY REQUIREMENTS MAY BE APPLICABLE TO: ☒ CONSTRUCTION  
☒ OPERATION

STATE AIR POLLUTION CONTROL BOARD REGULATIONS THAT MAY APPLY:

1. ☐ 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 E - STAGE I
2. ☐ 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 F - STAGE II Vapor Recovery
3. ☐ 9 VAC 5-40-5490 et seq. - Asphalt Paving operations
4. ☒ 9 VAC 5-40-5600 et seq. - Open Burning
5. ☒ 9 VAC 5-50-60 et seq. Fugitive Dust Emissions
6. ☐ 9 VAC 5-50-130 et seq. - Odorous Emissions; Applicable to \_\_\_\_\_
7. ☐ 9 VAC 5-50-160 et seq. - Standards of Performance for Toxic Pollutants
8. ☐ 9 VAC 5-50-400 Subpart \_\_\_\_\_, Standards of Performance for New Stationary Sources, designates standards of performance for the \_\_\_\_\_
9. ☐ 9 VAC 5-80-10 et seq. of the regulations - Permits for Stationary Sources
10. ☐ 9 VAC 5-80-1700 et seq. Of the regulations - Major or Modified Sources located in PSD areas. This rule may be applicable to the \_\_\_\_\_
11. ☐ 9 VAC 5-80-2000 et seq. of the regulations - New and modified sources located in non-attainment areas
12. ☐ 9 VAC 5-80-800 et seq. Of the regulations - Operating Permits and exemptions. This rule may be applicable to \_\_\_\_\_

COMMENTS SPECIFIC TO THE PROJECT:

  
(Kotur S. Narasimhan)  
Office of Air Data Analysis

DATE: April 3, 2009

L. Preston Bryant, Jr.  
Secretary of Natural Resources



Joseph H. Maroon  
Director

COMMONWEALTH of VIRGINIA  
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street  
Richmond, Virginia 23219-2040  
(804) 786-6124

MEMORANDUM

DATE: April 13, 2009  
TO: Julia Wellman, DEQ  
FROM: Robert S. Munson, Planning Bureau Manager, DCR-DPRR  
SUBJECT: DEQ 09-062F, Philpott Lake Trail Network

A handwritten signature in cursive script, reading "Robert S. Munson".

Division of Planning and Recreational Resources

The construction, operation and maintenance of the Philpott Lake trail network by the U.S. Army Corps of Engineers is consistent with the *2007 Virginia Outdoors Plan*. The Plan identifies this trail network as a potential segment of a regional trail linking to the Smith River Trail (p. 90). This regional trail network could connect The Tobacco Heritage Trail to the Blue Ridge Parkway as part of the statewide Beaches to Bluegrass Trail.

Division of Natural Heritage

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in our files, the Roanoke logperch (*Percina rex*, G1G2/S1S2/LE/LE) has been documented downstream in the Smith River. The Roanoke logperch is endemic to the Roanoke and Chowan River drainages in Virginia (Burkhead and Jenkins, 1991) and inhabits medium and large, warm and usually clear rivers with sandy to boulder spotted bottoms (TNC et. al., 1991). The Roanoke logperch is threatened by channelization, siltation, impoundment, pollution, and de-watering activities (Burkhead & Jenkins, 1991). Please note that this species is currently classified as endangered by the United States Fish and Wildlife Service (USFWS) and the Virginia Department of Game and Inland Fisheries (VDGIF).

In addition, the Smith River has been designated by VDGIF as "Threatened and Endangered Species" for the Roanoke logperch.

To minimize adverse impacts to the aquatic ecosystem as a result of the proposed activities, DCR recommends the implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations. Due to the legal status of the Roanoke logperch,

*State Parks • Soil and Water Conservation • Natural Heritage • Outdoor Recreation Planning  
Chesapeake Bay Local Assistance • Dam Safety and Floodplain Management • Land Conservation*

DCR also recommends coordination with the U.S. Fish and Wildlife Service (USFWS) and the Virginia Department of Game and Inland Fisheries (VDGIF).

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Conservation and Recreation (DCR), DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

In addition, our files do not indicate the presence of any State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

The Virginia Department of Game and Inland Fisheries maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Shirl Dressler at (804) 367-6913.

#### Division of Soil and Water Conservation

The applicant and their authorized agents conducting regulated land disturbing activities on private and public lands in the state must comply with the Virginia Erosion and Sediment Control Law and Regulations (VESCL&R), Virginia Stormwater Management Law and Regulations including coverage under the general permit for stormwater discharge from construction activities, and other applicable federal nonpoint source pollution mandates (e.g. Clean Water Act-Section 313, Federal Consistency under the Coastal Zone Management Act). Clearing and grading activities, installation of staging areas, parking lots, roads, buildings, utilities, borrow areas, soil stockpiles, and related land-disturbance activities that result in the land-disturbance equal to or greater than 10,000 square feet would be regulated by VESCL&R. Accordingly, the applicant must prepare and implement erosion and sediment control (ESC) plan to ensure compliance with state law and regulations. The ESC plan is submitted to the DCR Regional Office that serves the area where the project is located for review for compliance. The applicant is ultimately responsible for achieving project compliance through oversight of on site contractors, regular field inspection, prompt action against non-compliant sites, and other mechanisms consistent with agency policy. [Reference: VESCL §10.1-567;].

#### General Permit for Discharges of Stormwater from Construction Activities:

The operator or owner of construction activities involving land disturbing activities equal to or greater than one acre are required to register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project specific stormwater pollution prevention plan (SWPPP). Construction activities requiring registration also includes the land-disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan of development will ultimately disturb equal to or greater than one acre. The SWPPP must be prepared prior to submission of the registration statement for coverage under the general permit and the SWPPP must address water quality and quantity in accordance with the Virginia Stormwater Management Program (VSMP) Permit Regulations. General information and registration forms for the General Permit are available on DCR's website at [http://www.dcr.virginia.gov/soil\\_&\\_water/vsmp.shtml](http://www.dcr.virginia.gov/soil_&_water/vsmp.shtml) [Reference: Virginia Stormwater Management Law Act §10.1-603.1 et seq.; VSMP Permit Regulations §4VAC-50 et seq.]

The remaining DCR divisions have no comments regarding the scope of this project. Thank you for the opportunity to comment.

CC: Ernie Aschenbach, VDGIF  
Tylan Dean, USFWS

#### Literature Cited

Burkhead, N.M. and R.E. Jenkins. 1991. Roanoke logperch. In Virginia's Endangered Species: Proceedings of a Symposium. K. Terwilliger ed. The McDonald and Woodward Publishing Company, Blacksburg, Virginia. p. 395-397.

The Nature Conservancy and The Network of Natural Heritage Programs and Conservation Data Centers. 1991. Natural Heritage Conservation Databases. Accessed through the Biosource web site project. The Nature Conservancy, Arlington, VA. (7/14/99).



## COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.  
*Secretary of Natural Resources*

*Department of Game and Inland Fisheries*

Robert W. Duncan  
*Executive Director*

April 24, 2009

Ms. Mary Lawson  
U. S. Army Corps of Engineers  
Philpott Lake  
1058 Philpott Dam Road  
Bassett, Virginia 24055

Re: Environmental Assessment  
Philpott Trail Network, Philpott Lake  
Franklin and Patrick Counties, Virginia, March 2009

Dear Ms. Lawson:

Thank you for the opportunity to review and comment on the Environmental Assessment prepared for the proposed Philpott Trail Network at Philpott Lake. We have reviewed the document and have no comments on the proposed trail except to say that we agree with your selection of the preferred alternative (Philpott Trail Network) consisting of approximately 20 miles of trail. It appears that you have taken steps to avoid environmentally sensitive areas and we applaud your efforts to provide this recreational opportunity for the citizens of the Commonwealth.

Sincerely,

A handwritten signature in dark ink, appearing to read "A. L. LaRoche III".

Arthur L. LaRoche, III  
Regional Fisheries Manager

ALL/all

Cc: Ernie Aschenbach  
Fred D. Leckie  
Dan Wilson

Mary,

Thank you for including my agency in your list of recipients for the EA. I have read the EA and agree that the Proposed Philpott Lake Trail Network is a good use of public funds that will help to meet the demand and encourage additional recreational trail use in the area. Only temporary disturbance to fish and wildlife is expected during construction and maintenance. In the long run, positive water quality and erosion effects are expected due to improved stream crossings and the expected reduction of unauthorized activities. The proposed trail network is the best alternative and should be recommended.

Sincerely,

Jack O'Connell  
District Conservationist  
USDA/NRCS  
Rocky Mount Service Center  
1297 State Street  
Rocky Mount VA 24151



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

April 24, 2009

Centers for Disease Control  
and Prevention (CDC)  
Atlanta GA 30333

Ms. Mary Lawson  
U.S. Army Corps of Engineers, Philpott Lake  
1058 Philpott Dam Road  
Bassett, Virginia 24055

Dear Ms. Lawson:

This is in response to your letter of March 26, 2009 requesting our agency's input and comments on the Environmental Assessment, Philpott Trail Network, Philpott Lake, Franklin and Patrick Counties, Virginia. We are responding on behalf of the Department of Health and Human Services (DHHS), U.S. Public Health Service.

We understand that the purpose of the proposed action is to construct, operate and maintain a 20-mile trail network at Philpott Lake in Franklin and Patrick Counties, Virginia. This proposed expansion of an existing trail network is intended to; improve access to natural resource-based recreation, increase safety, reduce unauthorized activities, ensure ease of maintenance, help quantify dispersed use visitation, and avoid resource damage. The multiple loop multi-use trails would provide the public with hiking, biking, and other recreational opportunities on a larger scale than is currently available in Henry, Patrick, or Franklin Counties. We also understand the trail network would provide a venue for trail events such as cross country running and mountain bike races. This action will provide recreational opportunities in support of a healthy lifestyle for area residents and visitors alike.

Placing mapped, signed, marked, monitored, and maintained trails in areas where none currently exist should improve the user experience and increase public safety. If proper safeguards are followed during construction, there should be very minimal negative impacts to the environment and increased opportunities for improved public health. If public comments are supportive of this proposal, a FONSI is likely to be an appropriate action pursuant to NEPA.

Thank you for the opportunity to review and comment on this EA. Please send us a copy of any future EAs or EISs which may indicate potential public health impacts and are developed under the National Environmental Policy Act (NEPA).

Sincerely yours,

Andrew L. Dannenberg, MD, MPH  
Associate Director for Science  
Division of Emergency and Environmental Health Services  
National Center for Environmental Health  
Centers for Disease Control and Prevention  
4770 Buford Highway, MS F-30  
Atlanta, GA 30341

CT/SH/sh



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
6669 Short Lane  
Gloucester, Virginia 23061



AUG 18 2009

Mr. Craig S. Rockwell  
Department of the Army  
Wilmington District, Corps of Engineers  
69 Darlington Avenue  
Wilmington, North Carolina 28403-1343

Re: Environmental Assessment for the  
Philpott Trail Network, Philpott Lake,  
Franklin and Henry Counties,  
Virginia, Project # 2008-TA-0092

Dear Mr. Rockwell:

We have reviewed your request for information on Federally listed endangered and threatened species and designated critical habitat for the referenced project. The following comments are provided under provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended.

Based on the project description and location, it appears that no impacts to Federally listed species or designated critical habitat will occur. Should project plans change or if additional information on the distribution of listed species or critical habitat becomes available, this determination may be reconsidered.

Species information and other pertinent information on project reviews within Virginia is available at our website [http://www.fws.gov/northeast/virginiafield/Project\\_Reviews.html](http://www.fws.gov/northeast/virginiafield/Project_Reviews.html). If you have any questions, please contact Kimberly Smith of this office at (804) 693-6694, extension 126.

Sincerely,

Cindy Schulz  
Supervisor  
Virginia Field Office



## COMMONWEALTH of VIRGINIA

L. Douglas Bryant, Jr.  
Secretary of Historic Resources

Department of Historic Resources  
2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kinnick  
Director

Tel: (804) 367-2121  
Fax: (804) 367-2111  
TDD: (804) 367-2100  
Website: [dhr.virginia.gov](http://dhr.virginia.gov)

April 28, 2009

Mr. Craig Rockwell  
U.S. Army Corps of Engineers, Wilmington District  
69 Darlington Ave.  
Wilmington, NC 28403-1343

Re: Philpot Trail Network Environmental Assessment  
Franklin and Henry Counties  
DHR File #: 2009-0462  
Date Received: March 30, 2009

Dear Mr. Rockwell:

We have received information regarding our review of the above referenced undertaking, including a copy of the report *Environmental Assessment: Construction, Operation, and Maintenance of the Philpot Lake Trail Network, Philpot Lake, Virginia* (Corps of Engineers: 2009). Thank you for providing this office the opportunity to comment on the proposed action. We look forward to further coordination per section 4.1.9 "Cultural Resources" in the Environmental Assessment. The process of identification, evaluation, and avoidance/mitigation presented in the Environmental Assessment appears adequate to address any unanticipated historic properties encountered in construction of the Trail network.

We look forward to receiving future correspondence on this project as it progresses. If you have any questions about our comments, please contact me at [ron.grayson@dhr.virginia.gov](mailto:ron.grayson@dhr.virginia.gov) or (804) 367-2123, Ext. 105.

Sincerely,

Ronald Grayson, RPA, Archaeologist  
Office of Review and Compliance

Administrative Services  
Office of Intergovernmental Relations  
Richmond, VA 23221  
Tel: (804) 367-2124  
Fax: (804) 367-2116

Capital Region Office  
2801 Kensington Ave.  
Richmond, VA 23221  
Tel: (804) 367-2323  
Fax: (804) 367-2101

Hidewater Region Office  
14415 Old Courthouse Way, 2nd Floor  
Newport News, VA 23608  
Tel: (757) 896-1807  
Fax: (757) 896-2100

Roanoke Region Office  
1030 Pennine Ave., SE  
Roanoke, VA 24013  
Tel: (540) 851-1585  
Fax: (540) 851-7589

Northern Region Office  
5357 Main Street  
PO Box 519  
Stephens City, VA 22657  
Tel: (540) 864-1015  
Fax: (540) 864-1016

RECEIVED

# County of Henry

APR 07 2009

P.O. BOX 7  
KINGS MOUNTAIN ROAD  
COLLINSVILLE, VIRGINIA 24078-0007  
www.henrycountyva.gov

DEQ-Office of Environmental  
Impact Review

Board of Supervisors

DEBRA PARSONS BUCHANAN  
CHAIRMAN  
*Horsepasture District*

H.G. VAUGHN, VICE-CHAIRMAN  
*Ridgeway District*

PAULA BURNETTE  
*Iriswood District*

Telephone (276) 634-4601



BENNY SUMMERLIN  
County Administrator

TIM HALL  
Deputy County Administrator

April 2, 2009

Board of Supervisors

T.J. "TOMMY" SLAUGHTER  
*Reed Creek District*

JIM ADAMS  
*Blackberry District*

JIM MCMILLIAN  
*Collinsville District*

Fax (276) 634-4781

Ms. Julia Wellman  
Department of Environmental Quality  
Office of Environmental Impact Review  
629 East Main Street, 6<sup>th</sup> Floor  
Richmond, Virginia 23219

**Re: DEQ #09-062F**

Dear Ms. Wellman:

Thank you for the opportunity to review and comment on the Environmental Assessment (EA) for the construction, operation and maintenance of the Philpott Lake Trail Network by the U.S. Army Corps of Engineers.

Henry County strongly supports the proposed Philpott Lake Trail Network plan, which if approved, would be incorporated as a supplement to the 1982 Philpott Lake Master Plan Update. I believe the plan is in the public interest and reflects the concern for protection and utilization of Corps resources.

Should you have any questions or require additional information, please feel free to contact me.

Sincerely,

Benny Summerlin  
County Administrator

/sb

Cc: Ms. Mary Lawson, U.S. Army Corps of Engineers



## West Piedmont Planning District Commission

P.O. Box 5268  
Martinsville, VA 24115-5268  
Phone: (276) 638-3987  
Fax: (276) 638-8137  
e-mail: staff@wppdc.org

Serving Franklin, Henry, Patrick, and Pittsylvania Counties – Cities of Danville and Martinsville – Town of Rocky Mount – Since 1970

April 9, 2009

RECEIVED

APR 13 2009

Ms. Julia H. Wellman  
Department of Environmental Quality  
Office of Environmental Impact Review  
629 East Main Street, Sixth Floor  
Richmond, VA 23219

DEQ-Office of Environmental  
Impact Review

Project Number: 09-062F  
Construction, Operation, and Maintenance of the Philpott Lake Trail Network

Dear Julia:

We received a comment request for the project, *Construction, Operation, and Maintenance of the Philpott Lake Trail Network*. This trail project is sponsored by the US Army Corps of Engineers and the report that we received is an Environmental Assessment. We endorse and concur with the report after making our review; we sought advice and input from Franklin County where the project is situated geographically.

In our contact with Franklin County, we understand local government supports the development of the Philpott Lake Trail Network. This vital trail corridor is included in the County's 2004 Trails Plan. Franklin County has been actively planning and developing a trail system and this will be an asset to them. The County and I would like to see a loop trail around the Philpott Lake facility. It will be an asset to the entire region. This project shall be included in our Regional Rural Long-Range Transportation Plan section on trails being developed for VDOT.

We very much appreciate the opportunity to comment on this project that is important to Franklin County, the surrounding West Piedmont region, and the Commonwealth.

Sincerely,

Robert W. Dowd  
Executive Director

Cc: Richard E. Huff, II, Franklin County  
Scott Martin, Franklin County

**Wellman, Julia**

**From:** Groh, Todd (DOF)  
**Sent:** Wednesday, April 01, 2009 4:10 PM  
**To:** Wellman, Julia  
**Subject:** RE: Requesting comments on Army Corps Environmental Assessment (09-062F)

Julia,

The Department of Forestry finds no significant impact to the forest resources of the Commonwealth for this project.

Todd A. Groh, Assistant Director  
Forest Resources Management Division  
Virginia Department of Forestry  
900 Natural Resources Drive, Suite 800  
Charlottesville, VA 22903  
434-220-9044

---

**From:** Wellman, Julia [mailto:jhwellman@deq.virginia.gov]  
**Sent:** Tuesday, March 31, 2009 9:12 AM  
**To:** Ewing, Amy (DGIF); Rhur, Robbie (DCR); Matthews, Barry (VDH); Narasimhan, Kotur (DEQ); Kohler, Paul (DEQ); Watkinson, Tony (MRC); Eaton, Ethel; Pam Mason; Tignor, Keith (VDACS); Allen, Melanie L. (VDOT); Harlow, Kevin (DEQ); Heller, Matthew (DMME); Groh, Todd (DOF); West Piedmont PDC - Staff; Henry - Benny Summerlin; cstanley@franklincountyva.org; jscudder@co.patrick.va.us  
**Subject:** Requesting comments on Army Corps Environmental Assessment (09-062F)

**TO:** DGIF, DCR (plus Floodplain Program), VDACS, VDH, DEQ Air, DEQ Waste, DEQ BRRO-Roanoke, VDOT, VMRC, DHR, DMME, DOF, West Piedmont PDC, Henry County, Franklin County, Patrick County

**FROM:** Julia Wellman, Virginia DEQ Office of Environmental Impact Review

**DATE:** March 31, 2009

**SUBJECT:** Requesting comments on Army Corps Environmental Assessment (09-062F)

**Project Description:** The Virginia Department of Environmental Quality's Office of Environmental Impact Review is requesting that you review and comment on an Environmental Assessment (EA) for the construction, operation and maintenance of the Philpott Lake trail network by the U.S. Army Corps of Engineers.

You may also receive a hardcopy or a CD of this project. The review request form is attached.

4/1/2009

Reference- CESA W-OP-LP\_09-003B  
Public Notice and Notice of Availability  
Environmental Assessment(EA)  
Philpott Trail Network, Philpott Lake  
Franklin And Patrick Counties, Virginia. March 2009

James M. Wright  
[REDACTED]  
[REDACTED]

April 15, 2009

Dear Ms. Lawson,

After reading the environmental assessment, it would seem that one would be crazy not to support the development of the bike and walking trails on the southern side of Philpott Lake. However, it appears that this is the position supported by the authors of the study, with no regard for the real facts. As a property owner of land adjacent to the area being considered for this project, I have strong reservations about the proposed development and the true impact that it will have.

The land adjacent to the lake in most areas is very steep and it could suffer severe erosion that would damage the land and the lake if the natural ecosystem is disturbed.

A cleared trail around the lake is not needed for a walking trail, only a marked trail to guide the walkers. A cleared bike/hiker trail if used by very many individuals will only result in erosion problems because the trail cover (fall leaves) will be destroyed by the traffic in a confined area (the trail). Since the leaves that protect the land only fall once a year the defined trail could be at risk for a large portion of the year. Because of the limited cover regeneration capability of the trails natural cover, the trail will require constant maintenance to keep it clean and prevent erosion problems. Based on past performance on other projects, I doubt that the funding for such an effort has been or will be allocated by the Federal Government.

Table 3 in the Environmental Assessment report implied that doing nothing would result in the worst case damage for the ecosystem. This outcome is not logical. The damage referenced in the no action column is the result of the Corps' inability to police the illegal activities that allowed the damage to occur in the first place. If you build the trail system and maintain the current enforcement practices, the physical damage will only get worse because the four wheelers and dirt bikers will have access to additional trails with no additional enforcement. This will allow the trail cover to be destroyed, which will result in erosion and water contamination.

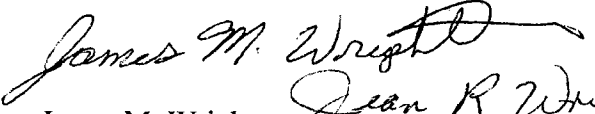

Over the years I have witnessed the disregard that people (locals and visitors) have for the public lands. After receiving permission from the Corps of Engineering, I paid for materials and provided the labor to build a barrier to restrict access to the land that was adjacent to my property. I did so because the people that used the area always left their

trash and broken beer bottles behind, which required weekly cleanup by me because I care about our land. They also routinely built fires in the woods, a clear violation of the rules. I called for assistance, but no one was ever caught in the act. Opening anything that eases access to this area will only make this type of problem worse, unless you add year round enforcement personnel to meet the challenge. The worst period will most likely occur in the fall and winter when the parks are closed and the ranger force reduced. If one of your encouraged visitors drops a cigarette or builds a fire in the wrong place at the wrong time, we could both be extreme losers. The difference between us will be that I could lose personal property and you stand to lose nothing. It is easy to support something when you are not directly affected by your decision. The trail will also make it easier for vandals and thieves because it will provide a new way to access personal property around the lake that is difficult to police.

If a marked undisturbed hiking trail were provided, I could support that because the "hooligans" would not be given more access to the land. With additional enforcement, the current problems could be corrected. As for bike trails, most of the land in the area is too steep and rough for safe bike riding. Trespassing on private land to bypass parts of the trail will result in conflicts between land owners, hikers, bikers and "hooligans". As for me, I plan to take legal action against anyone caught trespassing on my property.

I have discussed your planned development with others that live close by and have found no one that believes that the proposed development will benefit us.. Would you please advise me about the requirements for requesting a public hearing or inform me of the date, location and time if one is already scheduled. Since you are listed as the point of contact, please forward this letter to the District Engineer to make that person aware of my concern over the proposed trail system.

Sincerely,

  
James M. Wright 

Letter of Concern

Re: Philpott Lake Hiking / Bike Trail around Salthouse Branch & Twin Ridge

April 12 th 2009

To whom it may concern, I wish to express & question some following concerns I have about the bike / hiking trail on the Franklin County side of Philpott lake in which me and my family own land bordering. If you would please take time to read and answer the following.

- In what way would projects like these be funded? Would Federal or State money be used to fund these projects? If so, I and my family do not see why this would be the case when the minority of people would use these projects in question.
- Why was there no open public discussion to review the prior letter we have received from The Corp of Engineer's? The community surrounding these projects should be able to voice their opinions since they will be the ones impacted the most, yet we have received no such information or data. (I have since found that these projects have been in the developmental stage since 2001, I wish there had been a mailer sent out.)
- Where is the influence of these bike / hiking trails coming from?
- Would these trails receive funding for cleaning of the trails and maintenance on a regular basis?
- My family has noticed in the past years that the property line marking that occurs does not represent the true property lines, my point is that the company painting the lines generally takes the path of least resistance and misses our iron stobs set by a certified land surveyor and recorded in the Franklin County Courthouse. Would the Corp land affected by these trails be surveyed by a legitimate surveyor and marked. And where would these finances come from?
- There would be limited access to these destination's making emergencies almost impossible and trespassing more common. Do not get me wrong if someone got hurt we would do what we could to help but, we have paid in our money for our land and do not wish to share it with other's.
- What would the liability be for these kinds projects. Would there be a full proof plan in contact for lawsuits and etc? We would hate to see this beautiful lake see any kind of hardship due to a lawsuit.
- I do not see where a majority especially the community that surrounds these projects would benefit or support.(I now understand that there are a select few of the local community that support these bike trails but, most of the support is coming from outside clubs and organizations such as SVMBA and etc which is fine but, they must remember that these trails would be public and even during events they would have no direction over the general public.) I think that if the majority of influence is coming from associations then they should be held for payment and budgeting sources.)

Letter of Concern

Re: Philpott Lake Hiking / Bike Trail around Salthouse Branch & Twin Ridge

April 12 th 2009

CONTINUED

- I am a hunter, wouldn't there be a constant conflict and safety hazard mixing a biking trail and hunting land. Is it the intent of The Corp Of Engineer's to eliminate hunting? I would find that a great disappointment, my grandfather like so many other's have hunted Corp land that is marked for hunting for years. I feel that would be very unfair to push hunters out of the area in order for others to obtain rights, this matter should reflect the interest of all outdoor enthusiast and be distributed fairly.
- In the letter we have received it notes that the impact of the environment would be minimal. I strongly disagree with that statement. Many tree's would be cut, soil erosion would occur, and animal habitat would greatly be affected. In general you would be making a place for so few to ride and displacing thousands of animals and reptiles along with destroying forestry.
- Has anyone completed a study on the affect of traffic in these areas? Many of these state roads are very twisty and narrow making it more hazardous for vehicle travel. Also, bikers would probably travel these roads as well, my concern is that many of these turns have blind spot's, even moving 25 mph in a vehicle the possibility of hitting a biker would greatly increase. Traffic flow for motorist carrying bikes to their destination would greatly increase along with accidents.
- Has anyone contacted VDOT to do a traffic study and repair and or project study for these areas to maximize safety? The remark of this being someone else's job is unacceptable when what you provide would account for these matters. There are no lane markers on these roads. Wouldn't bikers be impeding the flow of traffic.
- Cleanup was a previous question, I would like for you to ride along our roadways during the summer to observe the amount of litter that comes from visitors to the lake much less the litter that would accrue out of site. I make this statement on the basis that we clean litter along our land and it more than triples during the lake season. I would be open to any other reasonable explanation. Who could be contacted to place no litter signs.
- I ask you to take awhile and reflect on just a few of these items that will impact the lake and the surrounding community and maybe there could be project planning to correct some negative issues that will and already occur.

Thank You for your time.

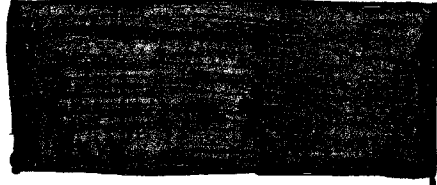
Regards,

Zelphia (Pete) R. Aheron & Family

CONCERNS ABOUT PUBLIC NOTIC AND NOTICE OF AVAILABILITY

TO: ENVIROMENTAL ASSESSMEN [EA], PHILPOTT TRAIL, NETWORK, PHILPOTT  
LAKE, FRANKLIN AND PATRICK COUNTIES VIRGINIA MARCH 2009  
DOCUMENT NUMBER: CESAW-OP-LP-09-0003B

FROM: CHRIS AND KATHY FIELDS



Home Address:



Our family has the following concerns about the proposed walk/bike trail:

1. The distance from our property line to the lake, which is about 120 yards, we are concerned about vandalism and property theft.
2. Safety of our young children encountering people/pets walking on trail.
3. Possible vandalism and theft of property on our pier and boats. We have a pier permit and the path to our pier will be crossed by the trail,
4. Devaluation of property due to the close vicinity of the trail to our lake house.
5. Pets – we have might encounter people that might wander from the trail to our property.
6. Study reflects that foliage will cover trail – however the back of our house is 20 feet off the ground and our back yard view will be the trail instead of the natural area we enjoy.
7. Security – On Sunday April 26<sup>th</sup> from our boat on the lake, we saw 3, Four wheelers and 2 motor cross bikes on the horse and walking trail already built between Salt House and The Dam. How will the area's so close to our homes be secured?
8. The study said people were contacted about the proposed trail that had houses or property adjacent to it. We were not contacted.

In closing, we have been coming to Philpott Lake since 1982 and have enjoyed Camping, Boating, etc. We are not against public access trails, just oppose to a public trail that is going to be so close to our houses and property. I would think there may be some regulation as to how close a public trail can go to Homes and Private Property.

Thank you for your time and consideration pertaining to these concerns.

Chris and Kathy Fields

## Lawson, Mary C SAW

---

**From:** Lawson, Mary C SAW  
**Sent:** Wednesday, April 08, 2009 1:48 PM  
**To:** 'Cindy Smith'  
**Cc:** Hosey, Michael L II SAW  
**Subject:** RE: Environmental assessment

Ms. Smith,

Thank you for your comment regarding the trail proposal at Philpott Lake. The trail will be patrolled using both volunteers and rangers on foot and via ATV. Although the trail is not open to public ATV use, the staff at Philpott Lake use an ATV for maintenance and patrol purposes on trails. We currently have a 4.5 mile trail from the dam to Salthouse where we patrol using these means and have had no incidents since the construction of the trail in 2005. If you have any further questions, please feel free to email or call me.

Regards,  
Mary Lawson  
276.629.4512 ext 227

-----Original Message-----

**From:** Cindy Smith [redacted]  
**Sent:** Tuesday, April 07, 2009 1:08 PM  
**To:** Lawson, Mary C SAW  
**Subject:** Environmental assessment

My dad (Forrest Bray) received the package concerning construction of the hiking trails. He thinks it is a good idea but is very concerned about the safety. How will it be patrolled for safety.

Cindy Smith  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

## Lawson, Mary C SAW

---

**From:** Lawson, Mary C SAW  
**Sent:** Wednesday, April 08, 2009 1:54 PM  
**To:** 'edwin & donna france'  
**Cc:** Hosey, Michael L II SAW  
**Subject:** RE: Trails

Mr. France,

Thank you for your comment regarding the trail proposal at Philpott Lake. At this time, no restrictions to hunting at Philpott have been deemed necessary as a result of this trail. Bulletin boards will be located at all entrances to the trail on which safety tips will be posted for hunters and trail users during hunting seasons. Trail brochures will also inform trail users of proper precautions to take during hunting seasons. Educational information will also be available for hunters to inform them of the location of the trail and proper precautions to take regarding trail users. Please feel free if you have any additional questions/comments.

Regards,  
Mary C. Lawson  
Conservation Biologist  
U.S. Army Corps of Engineers  
Philpott Lake  
Phone: (276) 629-4512 ext. 227  
Fax: (276) 629-3493

-----Original Message-----

**From:** edwin & donna france [REDACTED]  
**Sent:** Wednesday, April 01, 2009 11:36 AM  
**To:** Lawson, Mary C SAW  
**Subject:** Trails

Dear Ms. Lawson

I don't object to the trails that would be established in the Philpott area, but I do have several concerns about the safety of the hikers near adjacent properties during hunting seasons. Does this mean there would be no hunting on Philpott Lake property? I hope this will at least be addressed.

Thank you,

Edwin France

## Lawson, Mary C SAW

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**From:** Tycho Wood, Jr. [REDACTED]  
**Sent:** Tuesday, April 14, 2009 7:52 PM  
**To:** Lawson, Mary C SAW  
**Subject:** Philpott Trail Network

I have read the environmental assessment report on the new proposed trails at Philpott Lake. My wife and I have enjoyed Philpott since the early 70's and look forward to hiking the new trails.

Do you have an email for Friends of Philpott? I would like to contact them.

Tycho & Marie Wood  
[REDACTED]  
[REDACTED]  
[REDACTED]